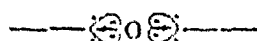




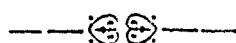
THE  
DHOLPUR EXTRADITION GUIDE

Containing the Indian Extradition Act, 1903, Col.  
Wylie's Extradition Rules with author's  
notes and other Extradition Treaties  
between Dholpur and other  
Indian States .



BY

SARDAR RANBIR SINGH, B.A., LL.B.,  
SESSIONS JUDGE.



*AUTHOR OF*  
**"DHOLPUR STATE & ITS RULER".**



1935.

PRICE Re. 1/-



## WITH GRACIOUS PERMISSION

Respectfully dedicated to Lt.-Col. His Highness Sri Sewai Maharaj Rana Sir Udaibhan Singh Lokindra Bahadur G.C.I.E., K.C.S.I., K.C.V.O., of Dholpur in token of the author's humble admiration for His Highness's benevolent adherence to truth, justice and fairplay.



## DHOLPUR STATE.

No. 6265 of 1935.

From

The Political Secretary,  
Dholpur State,  
Dholpur.

To

The Sessions Judge,  
Dholpur State,  
Dholpur.

Compilation of Extradition Agreements :

Sir,

I am directed to inform you that His Highness has been pleased to approve the publication of the rules, etcetra, regarding Extradition compiled by you. With permission of His Highness an addition to para 2 of the Introduction has also been made.

I have the honour to be

Sir,

Your most obedient servant,

KALADHAR TEWARI,  
*For Political Secretary.*



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all orders of Judicial Courts relating to Extradition Proceedings. His Highness's orders in all such matters have been final. Similarly in British India, the Government of India and the Local Governments have been given the power to stay any proceedings regarding extradition, or to cancel any warrant relating thereto, or to discharge any person, under Section 15 of the Indian Extradition Act, 1903.

The Extradition Act 1903 provides for the Extradition of Criminals from British India to Indian States. Under this Act the Extradition Proceedings can begin in four different ways :—

- (a) Under Section 7, where a warrant is issued by the Political Agent concerned to the District Magistrate in the British District.
- (b) On a requisition from an Indian State under Section 9.
- (c) Under Section 10, if a Magistrate believes a person within his jurisdiction to have committed an offence in any Indian State.
- (d) Under Section 54 (1) seventhly, of the Code of Criminal Procedure, when a person believed to have committed a crime outside British India, may be arrested by a British Police Officer without a warrant.

When a person is arrested under Clause (a) the Magistrate has no option whatsoever but to comply with the warrant issued by the Political Agent. Under Clause (b) the Magistrate should make a regular judicial inquiry into the case and report the matter to the Government

under Section 3 of the Act. In cases governed by Clause (c), the Magistrate enjoys the discretion to issue process or not. If he does so the Magistrate may not without the special sanction of the Local Government detain the accused more than two months unless within such period he receives a warrant from the Political Agent under Section 7 or an order from the Government under Section 9. Under Clause (d) when the Police acts on its own initiative, the Magistrate before whom the accused is produced has the discretion of proceeding under Section 23 or not; *i.e.*, he may detain the accused as if he had been arrested under Section 10 or may release him.

The Indian Extradition Act, 1903 has as such no application to the extradition of persons from Indian States to British India. This procedure is governed by the treaties and engagements entered into between British India and Indian States individually. However, the provisions of the Indian Extradition Act, 1903 being very simple and practicable, the Indian States generally adopt the procedure laid therein with due regard and adherence to Local Treaties and established usage and practice. Extradition is ordinarily demanded by the British Territory from an Indian State in all cases in which the State authorities could have obtained extradition from British India under Section 7 of the Indian Extradition Act, 1903, *i.e.*, in all cases mentioned in the first schedule of the Act. It need hardly be emphasized that wherever any specific Treaty between the Interstatal parties exist, the procedure provided by such Treaty shall be followed.

The fact that an accused person is undergoing a sentence of imprisonment in the extraditing State, does not necessarily constitute an objection to his surrender. In such cases extradition is granted on the express condition that the

accused is returned to the extraditing State after the completion of his trial.

In the last but not with the least importance, I must urge that harmonious relations with the neighbouring States are most essential to ensure smooth and successful solutions of all extradition matters. In many cases circumstances arise where the neighbouring States hold different views about the *prima facie* evidence received or submitted. In all such cases it is most desirable that the controversial points should be handled in a most reasonable and legal way. The bona fides of the other party need not be questioned simply because they happen to hold a view different than ours. Periodical meetings of Extradition Officers of neighbouring States must help to amicably solve the controversial questions which might otherwise lead to unnecessarily lengthy and often fruitless correspondence. Such meetings will also procure better and more intimate relations with the neighbouring authorities.

RANBIR SINGH.

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# THE INDIAN EXTRADITION, 1903. ACT NO. XV. OF 1903.

(4th November 1903.)

An Act to consolidate and amend the law relating  
to the Extradition and Rendition of Criminals.

Whereas it is expedient to provide for the more convenient administration in British India of the Extradition Acts, 1870 and 1873, and of the Fugitive Offenders' Act, 1881 ;

And whereas it is also expedient to amend the law relating to the extradition of criminals in cases to which the Extradition Acts, 1870 and 1873 do not apply ;

It is hereby enacted as follows : —

## CHAPTER I.

### PRELIMINARY.

Short title extent  
and commencement. 1. (1) This Act may be  
called the Indian Extradit-  
ion Act, 1903.

(2) It extends to the whole of British India (including British Baluchistan, the Santhal Parganas and the Pargana of Spiti) ; and

(3) It shall come into force on such day as the Governor General-in-Council, by notification in the "Gazette of India", may direct.

Notes.—This Act has been declared to come into force from the 1st June 1904. See "Gazette of India" 1904 Pt. 1 P. 364. The Indian Extradition Act 1903 embodies the Extradition Act 1870, as subsequently amended and the Fugitive Offenders' Act 1881.

The Indian Extradition Act, 1903 relates only to the surrender to Indian States of criminals of such States taking shelter in British Territory; and they do not in any way affect the demand of British Government on Indian States for the surrender of its criminals, as the procedure thereof is regulated by the Treaties and arrangements entered into with Indian States, which have been by long practice and usage matured into conventions.

*Definitions.* 2. In this Act, unless there is anything repugnant in the subject of context,—

- (a) “European British Subject” means a European British subject as defined by the Code of Criminal Procedure for the time being in force ;
- (b) “Extradition offence” means any such offence as is described in the First Schedule :
- (c) “Foreign State” means a State to which, for the time being, the Extradition Acts, 1870 and 1873 apply ;
- (d) “High Court” means the High Court as defined by the Code of Criminal Procedure for the time being in force ;
- (e) “Offence” includes any act wheresoever committed which would, if committed in British India, constitute an offence and
- (f) “Rules” include prescribed forms.

The East Indian possessions of France are not foreign States. Nepal is not a foreign State within the meaning of the Extradition Act, 1903.

"British India", according to Section 3 (7) General Clauses Act, 1897, shall mean all territories and places within Her Majesty's dominions, which are for the time being governed by Her Majesty through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India.

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## CHAPTER II.

### Surrender of Fugitive Criminals in Case of Foreign States.

3. (1) Requisition for Surrender.—Where a requisition is to be made to the Government of India or to any Local Government by the Government of any Foreign State for the surrender of a fugitive criminal of that State, who is in, or who is suspected of being in British India, the Government of India or the Local Government, as the case may be, may, if it thinks fit, issue an order to any Magistrate, who would have had jurisdiction to inquire into the crime if it had been an offence committed within the local limits of his jurisdiction, directing him to inquire into the case.

(2) Summons or Warrant for Arrest.—The Magistrate so directed shall issue a summons or warrant for the arrest of the fugitive criminal according as the case appears to be one in which a summons or warrant would ordinarily issue.

(3) Inquiry by Magistrate.—When such criminal appears or is brought before the Magistrate, the Magistrate shall inquire into the case in the same manner and have the same jurisdiction and powers, as nearly as may be, as if the case were one triable, by the Court of Session or High Court, and shall take such evidence as may be produced in support of the requisition and on behalf of the fugitive criminal, including any evidence to show that the crime of which such criminal is accused or alleged to have been convicted is an offence of a political character or is not an extradition crime.

(4) Committal.—If the Magistrate is of opinion that a *prima facie* case is made out in support of the requisition, he may commit the fugitive criminal to prison to await the orders of the Government of India or the Local Government as the case may be.

(5) Bail.—If the Magistrate is of opinion that a *prima facie* case is not made out in support of the requisition or if the case is one which is bailable under the provisions of the Code of Criminal Procedure for the time being in force, the Magistrate may release the fugitive criminal on bail.

(6) Magistrate's Report—The Magistrate shall report the result of his inquiry to the Government of India or the Local Government, as the case may be, and shall forward, together with such report, any written statement which the fugitive criminal may desire to submit for the consideration of the Government.

(7) Reference to High Court if Government Thinks Necessary.—If the Government of India or the Local Government, as the case may be, is of opinion that such report or written statement raises an important question of law, it may make an order referring such question of law to such High Court as may be named in the order, and the fugitive criminal shall not be surrendered until such question has been decided.

(8) Warrant For Surrender.—If, upon receipt of such report and statement or upon the decision of any such question, the Government of India or the Local Government, as the case may be, is of opinion that the fugitive criminal ought to be surrendered, it may issue a warrant for the custody and removal of such criminal and for his

delivery at a place and to a person to be named in the warrant.

(9) Lawfulness of Custody and Re-taking under Warrant for Surrender.—It shall be lawful for any person to whom a warrant is directed in pursuance of Sub-section (8), to receive, hold in custody, and convey the person mentioned in the warrant, to the place named in the warrant, and, if such person escapes out of any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as a person accused of an offence against the law of British India may be re-taken upon an escape.

(10) Discharge of Fugitive Criminals Committed to Prison after Two Months.—If such a warrant as is prescribed by Sub-section (8) is not issued and executed in the case of any fugitive criminal who has been committed to prison under Sub-section (4), within two months after such committal, the High Court may, upon application made to it on behalf of such fugitive criminal and upon proof that reasonable notice of the intention to make such application has been given to the Government of India or the Local Government, as the case may be, order such criminal to be discharged, unless sufficient cause is shown to the contrary.

**Note :—**The requisition need not be in any particular form.

There should be some evidence to show that an extraditable offence has been committed and it should be sent through the Local Government.

4. (1) Magistrate to Issue Warrant of Arrest in Certain Cases.—Where it appears to any Magistrate of the First Class or any Magistrate specially empowered by the Local Government

in this behalf that a person within the local limits of his jurisdiction is a fugitive criminal of a foreign State he may, if he thinks fit, issue a warrant for the arrest of such person, on such information or complaint and on such evidence as would, in his opinion, justify the issue of a warrant if the crime of which he is accused or has been convicted had been committed within the local limits of his jurisdiction.

(2) Issue of Warrant to be Reported Forthwith.—The Magistrate shall forthwith report the issue of a local warrant under this section to the Local Government.

(3) Person Arrested not to be Detained unless Order Received.—A person arrested on a warrant issued under this section shall not be detained more than two months unless within that period the Magistrate receives an order made with reference to such person under Section 3, Sub-section (1).

(4) Bail.—In the case of a person arrested or detained under this section the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person were accused of committing in British India the crime of which he is accused or has been convicted.

5. (1) Power of Government to Refuse to Issue Order under Section 3 when Crime is of Political Character.—If the Government of India or any Local Government is of opinion that the crime of which any fugitive criminal of a foreign State is accused or alleged to have been convicted is of a political character, it may, if it think fit, refuse to issue any order under Section 3, Sub-section (1).

(2) Power of Government to Discharge any Person in Custody at any Time.—The Government of India or the Local Government may also at any time stay any proceedings taken under this Chapter and direct any warrant issued under this Chapter to be cancelled and the person for whose arrest such warrant has been issued to be discharged.

6. References to "Police Magistrate" and "Secretary of State" in Section 3 of Extradition Act, 1870.—The expressions "the Police Magistrate" and "the Secretary of State" in Section 3 of the Extradition Act, 1870, shall be read as referring respectively, to the Magistrate directed to inquire into a case under Section 3 of this Act, and to the Government of India or the Local Government, as the case may be.

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## CHAPTER III.

### Surrender Of Fugitive Criminals In Case Of States Other Than Foreign States.

7. (1) Issue of Warrant by Political Agents in Certain Cases.—Where an extradition offence has been committed or is supposed to have been committed by a person, not being a European British subject, in the territories of any State not being a Foreign State and such person escapes into or is in British India, and the Political Agent in or for such State issues a warrant, addressed to the District Magistrate of any district in which such person is believed to be, or, if such person is believed to be in any Presidency town to the Chief Presidency Magistrate of such town), for his arrest and delivery at a place and to a person or authority indicated in the warrant, such Magistrate shall act in pursuance of such warrant and may give directions accordingly.

(2) Execution of Such Warrant.—A warrant issued as mentioned in Sub-section (1) shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants and the accused person when arrested shall be produced before the District Magistrate or Chief Presidency Magistrate, as the case may be, who shall record any statement made by him. Such accused person shall then, unless released in accordance with the provisions of this Act, be forwarded to the place and delivered to the person or authority indicated in the warrant.

(3) Proclamation and Attachment in Case of Persons Absconding.—The provisions of the Code of Criminal Procedure for the time being in force in relation to proclamation and attachment in the case of persons absconding shall, with any necessary modifications, apply where any warrant has been received by a District Magistrate or Chief Presidency Magistrate under this section as if the warrant had been issued by himself.

**Note :—**There are two methods by which surrender of men can be secured by Indian States which have Political Agents. The first method is under Section 7 where the offence is one mentioned in the schedule as an extradition offence ; the second method is under Section 9 for any offence whether it is extradition offence or not. But it must be noted that the second method is very seldom resorted to and it should not be used unless there are sufficient reasons for it.

When a warrant from the Political Agent is received a Magistrate has no discretion to question the propriety of the said warrant. A Magistrate cannot take evidence with regard to the legality of the warrant before acting upon it. There is no express provision to that effect as there is in the case of proceedings under Sections 3, 4, & 10 (Gayanchand *versus* Emperor 3 P. R. 1909 Cr.). When a warrant is sent by the Political Agent of an Indian State to a District Magistrate it is no part of the duty of the Magistrate to ascertain whether a *prima facie* case existed (95 I. C. 275-37 Punjab L. R. 319).

The High Court has no power to investigate into the proceedings of the Political Agent who has issued a warrant under Section 7: (A. I. R. 1926 Sindh 126) But, "An order passed by the Magistrate under this section is a Judicial Act and not an Executive Act and its propriety can be gone into by the High Court under Sections 439, 491 or 561 A of the Cr. P. C." (A. I. R. 1929 Bom. 81). But again, the High Court should interfere only where an apparent illegality or glaring injustice

has been committed. As a matter of rule it should not interfere in matters of fact or it need not judge whether a certain *prima facie* evidence is sufficient or insufficient.

Section 19 of Extradition Act, 1870, provides that the extradited person should be tried for the offences based on the same facts for which the Extradition has been obtained, and not for any other offence, until the person has been restored back or had an opportunity of returning to the extraditing State.

8. (1) Release on Giving Security.—Where a Political Agent has directed by endorsement on any such warrant that the person for whose arrest it is issued may be released on executing a bond with sufficient sureties for his attendance before a person or authority indicated in this behalf in the warrant at a specified time and place, the Magistrate to whom the warrant is addressed shall on such security being given release such person from custody.

(2) Magistrate to Retain Bond.—When security is taken under this section, the Magistrate shall certify the fact to the Political Agent who issued the warrant, and shall retain the bond.

(3) Re-arrest in Case of Default.—If the person bound by any such bond does not appear at the time and place specified, the Magistrate may, on being satisfied as to his default, issue a warrant directing that he be re-arrested and handed over to any person authorized by the Political Agent to take him into custody.

(4) Deposit in lieu of Bond, and Forfeiture of Bonds.—In the case of any bond executed under this section, the Magistrate may exercise the powers conferred by the Code of Criminal Procedure for



the time being in force in relation to taking a deposit in lieu of the execution of a bond and with respect to the forfeiture of bonds and the discharge of sureties.

8-A. Power to Report Case for Orders of Local Government:—Notwithstanding anything contained in Section 7, Sub-section (2) or in Section 8, when an accused person arrested in accordance with the provisions of Section 7 is produced before the District Magistrate or Chief Presidency Magistrate, as the case may be, and the statement (if any) of such accused person, has been recorded, such Magistrate may, if he thinks fit, before proceeding further, report the case to the Local Government and pending the receipt of orders on such report, may detain such accused person in custody or release him on his executing a bond with sufficient sureties for his attendance when required.

*Note.*—Section 8-A was inserted by the Indian Extradition Act, 1902 (Amendment). Prior to the insertion of this Section a British Indian Magistrate to whom a warrant had been addressed under Section 7 had no power to admit a person arrested thereunder to bail. But now he has such power when he reports the case to the Local Government. The provisions contained in this Act override provisions of Section 40 Cr. P. C. with regard to bail. (43 B 310) Now as a matter of good practice the provisions of the Criminal Procedure Code for the time being in force relating to Bail are generally followed in extradition proceedings also.

9. Requisitions by States not being Foreign States:—When a requisition is made to the Government of India or to any Local Government by or on behalf of any State not being a foreign State, for the surrender of any person accused of having committed an offence in the territories of such State, such requisition shall (except in so far as relates to the taking of evidence to show that the offence is of a political character or is not an extradition crime) be dealt with in accordance with the procedure prescribed by Section 7 for requisitions.

tions made by the Government of any foreign State as if it were a requisition made by any such Government under that section.

Provided that, if there is a Political Agent in or for any such State, the requisition shall be made through such Political Agent.

Note.—The procedure for requisitioning the surrender of any person accused of having committed a crime, not necessarily an Extradition Crime, is laid down in this section; but the requisition in such a case has to be made to the Government of India or to any Local Government (66 India Cases 517). If there is any subsisting treaty with the State, its provisions will have to be complied with. In the absence of treaty, the question whether Extradition should be granted or not depends entirely on the discretion of the Government.

10. Power to Magistrates to Issue Warrants of Arrest in Certain Cases :—(1) If it appears to any Magistrate of the First Class or any Magistrate empowered by the Local Government in this behalf that the person within the local limits of his jurisdiction is accused or suspected of having committed an offence in any State not being a Foreign State and that such person may lawfully be surrendered to such State, or that a warrant may be issued for his arrest under Section 7, the Magistrate may, if he thinks fit, issue a warrant for the arrest of such person on such information or complaint and on such evidence as would in his opinion justify the issue of a warrant if the offence had been committed within the local limits of his jurisdiction.

(2) Issue of Warrant to be Reported Forthwith.—The Magistrate shall forthwith report the issue of a warrant under this section if the offence appears or is alleged to have been committed in the territories of a State for which there is a Political Agent, to such Political Agent and in other cases to the Local Government.

(3)- Limit of Time of Detention of Person Arrested.—A person arrested on a warrant issued under this section shall not, without the special sanction of the Local Government, be detained more than two months, unless within such period the Magistrate receives an order made with reference to such person in accordance with the procedure prescribed by Section 9, or a warrant for the arrest of such person under Section 7.

(4) Bail.—In the case of a person arrested or detained under this section, the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person were accused of committing in British India the offence with which he is charged.

Notes.—Under this section the Magistrate can make preliminary inquiries and can record evidence in respect of the complaint made or information given. He can also accept bail under Sub-cl. 4.

II. Surrender of Person Accused of, or Undergoing Sentence for Offence in British India.—(1) A person accused of an offence committed in British India, not being the offence for which his surrender is asked, or undergoing sentence under any conviction in British India, shall not be surrendered in compliance with a warrant issued by a Political Agent under Section 7 or a requisition made by or on behalf of any State not being a Foreign State under Section 9, except on the condition that such person be re-surrendered to the Government of India or the Local Government, as the case may be, on the termination of his trial for the offence for which his surrender has been asked :

Provided that no such condition shall be deemed to prevent or postpone the execution of a sentence of death lawfully passed.

(2) Suspension of Sentence on Surrender.—On the surrender of a person undergoing sentence under a conviction in British India, his sentence shall be deemed to be suspended until the date of his re-surrender, when it shall revive and have effect for the portion thereof which was unexpired at the time of his surrender.

**Notes :—**A person charged or imprisoned under the security sections *i.e.*, Sections 107 Cr.P.C. to Section 110 Cr.P.C. would not come under the purview of this section. (Jhoga Singh Versus Empress 23 C 493). There is no corresponding section in any of the interstatal treaties or in Col. Wylies Rules. I think this is a necessary provision and should be complied with in all Indian States.

12. Application of Chapter to Convicted Persons.—The provisions of this Chapter with reference to accused persons shall, with any necessary modifications, apply to the case of a person who, having been convicted of an offence in the territories of any State not being a Foreign State, has escaped into or is in British India before his sentence has expired.

**Notes:—**In *ex-parte Moser* (1915) 2 K. B 691, it was held that a person who is convicted and sentenced to imprisonment for an Extradition Crime and who breaks out of prison and escapes before the expiration of his sentence, is a fugitive criminal. The term "Fugitive Criminal" is defined in Extradition Act 1870 as : "Any person accused or convicted of an extradition crime committed within the jurisdiction of any Foreign State, who is in or is suspected of being in some part of her Majesty's dominions". The effect of this section is the same as that which is secured by the definition of fugitive criminal in the Extradition Act 1870 except that in the Indian Extradition Act 1903 it is not necessary that the fugitive offender should have been convicted of an extradition offence only.

13. Abetment and Attempt.—Every person who is accused or convicted of abetting or attempting to commit any offence shall be deemed, for the purposes of this Chapter, to be accused or convicted of having committed such offence

and shall be liable to be arrested and surrendered accordingly.

Notes.—By this definition the sections of the Indian Penal Code relating to abetment or attempt shall be deemed to be included in the list of extraditable offences.

14. Lawfulness of Custody and Re-taking Under Warrant Issued Under Chapter.—It shall be lawful for any person to whom a warrant is directed in pursuance of the provisions of this Chapter, to receive hold in custody and convey the person mentioned in the warrant, to the place out of named in the warrant, and, if such person escapes any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as a person accused of an offence against the law of British India may be re-taken upon an escape.

15. Power of Government to Stay Proceedings and Discharge Persons in Custody.—The Government of India or the Local Government may, by order, stay any proceedings taken under this Chapter, and may direct any warrant issued under this Chapter to be cancelled, and the person for whose arrest such warrant has been issued to be discharged.

Note.—This section does not necessarily oust the jurisdiction of the High Court to interfere in any case where the action under the Act has not been taken under a valid warrant. (66 Indian Cases 517). Section 11 Extradition Act 1870 provides that an imprisoned criminal has a right to apply for a writ of Habeas Corpus, but no similar specific provision is made in this Act in such clear terms. For further High Court power see notes to Sec. 7.)

16. Application of Chapter to Offences Committed Before its Commencement.—The provisions of this Chapter shall apply to an offence or to an extradition offence, as the case may be, committed before the passing of this Act, and to

an offence in respect of which a Court of British India has concurrent jurisdiction.

Note:—The provisions of Section 188 Cr. P. C. should be read in this connection.

17. Receipt in Evidence of Exhibits, Depositions and Other Documents.—(1) In any proceedings under this Chapter, exhibits and depositions (whether received or taken in the presence of the person against whom they are used or not) not copies thereof, and official certificates of facts and judicial documents stating facts, may, if duly authenticated, be received as evidence.

(2) Authentication of the Same.—Warrants, depositions or statements on oath which purport to have been issued, received or taken by any court of justice outside British India, or copies thereof, and certificates of, or judicial documents stating the fact of, conviction before any such court, shall be deemed duly authenticated:—

(a) If the warrant purports to be signed by a judge, Magistrate or officer of the State where the same was issued or acting in or for each State:

(b) If the depositions or statements or copies thereof purport to be certified under the hand of a judge, Magistrate or officer of the State where the same were taken, or acting in or for such State, to be the original depositions or statements or to be true copies thereof as the case may require:—

(c) If the certificate of, or judicial document stating the fact of a conviction purports to be certified by a Judge, Magistrate or officer of the State where the conviction took place or acting in or for such State:

(d) If the warrants, depositions, statements, copies of certificates and judicial documents, as the case may be, are authenticated by the oath of some witness or by the official seal of a minister of the State where the same were respectively issued, taken or given.

(3) Definition of "Warrant" Offence.—for the purposes of this Section "Warrant" includes any judicial document authorizing the arrest of any person accused or convicted of an offence.

18. Chapter Not to Derogate From Treaties. Nothing in this Chapter shall derogate from the provisions of any treaty for the extradition of offenders, and the procedure provided by any such treaty shall be followed in any case to which it applies and the provisions of this Act shall be modified accordingly.

Note :—If the offence is mentioned in the schedule but not in the Treaty, the fugitive criminal can be surrendered. But if the treaty prohibits the extradition for offences, such a provision overrides the provision of schedule by virtue of the provision of Section 18 of the Act. There are a number of Extradition Treaties with Indian States. But as the procedure laid down in Section 7 of the Act is so convenient, many States have by subsequent agreements agreed to abide by it.

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## CHAPTER IV.

### RENDITION OF FUGITIVE OFFENDERS IN HIS MAJESTY'S DOMINIONS.

19. Application of Fugitive Offenders' Act, 1881.—For the purpose of applying and carrying into effect in British India the provisions of the Fugitive Offenders Act, 1881, the following provisions are hereby made:—

(a) The powers conferred on "Governors" of British possessions may be exercised by any Local Government :

(b) The powers conferred on a " Superior Court " may be exercised by any Judge of a High Court:

(c) The powers conferred on a "Magistrate" may be exercised by any Magistrate of the first class or by any Magistrate empowered by the Local Government in that behalf: and

(d) The offences committed in British India to which they apply, are piracy, treason, and any offence punishable under the Indian Penal Code with rigorous imprisonment for a term of twelve months or more or with any greater punishment.

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## CHAPTER V.

### OFFENCES COMMITTED AT SEA

20. Requisition for surrender in case of offences committed at Sea—Where the Government of any State outside India makes a requisition for the surrender of a person accused of an offence committed on board of any vessel on the high seas which comes into any port of British India, the Local Government and any Magistrate having jurisdiction in such port and authorised by the Local Government in this behalf may exercise the powers conferred by this Act.

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## CHAPTER VI.

### EXECUTION OF COMMISSIONS ISSUED BY CRIMINAL COURTS OUTSIDE BRITISH INDIA.

21. Execution of Commissions Issued By Criminal Courts Outside British India.--The testimony of any witness may be obtained in relation to any criminal matter pending in any court or tribunal in any country or place outside British India in like manner as it may be obtained in any Civil matter under the provisions of the Code of civil Procedure for the time being in force with respect to commissions, and the provisions of that Code relating thereto shall be construed as if the term "Suit" included a criminal proceeding: Provided that this section shall not apply when the evidence is required for a Court or tribunal in any State outside India other than a British Court and the offence is of a political character

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## CHAPTER VII.

### Supplemental.

22. Power to Make Rules.—(1) The Governor General-in-Council may make rules to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of the above foregoing power, such rules may provide for :

(a) The removal of prisoners accused or in custody under this Act, and their control and maintenance until such time as they are handed over to the persons named in the warrant as are entitled to receive them :

(b) The seizure and the disposition of any property which is the subject of, or required for proof of, any alleged offence to which this Act applies:

(c) The pursuit and arrest in British India, by officers of the Government or other persons authorised in this behalf, of persons accused of offences committed elsewhere: and

(d) The procedure and practice to be observed in extradition proceedings

(3) Rules made under this section shall be published in the Gazette of India and shall thereupon have effect as if enacted by this Act.

Note.—Rules made under this Section must be treated as if they are Sections of the Act itself. (*Bajnaath versus Emperor* 10 (1A) 1130)

23. Detention of Persons Arrested Under Section 54, Clause Seventhly, Act V, 1898. —Notwithstanding anything in the Code of Criminal Procedure, 1898, any person arrested without an

order from a Magistrate and without a warrant, in pursuance of the provisions of Section 54, clauses seventhly, of the said Code, may, under the orders of a Magistrate within the local limits of whose jurisdiction such arrest was made be detained in the same manner and subject to the same restrictions as a person arrested on a warrant issued by such Magistrate under Section 10.

**Note.**—This Section provides for the arrest of a person without warrant. When a person is arrested under this Section, the Police must forthwith produce the person arrested before a Magistrate. Under this Section the Magistrate is empowered to grant bail to a person arrested without warrant. (26 Cr. I. J. 948).

## SCHEDULE I.

### Extradition Offences.

(See Section 2, clause (b), and Chapter III (Surrender of Fugitive Criminals in case of States other than Foreign States) (The Sections referred to are the Sections of the Indian Penal Code.).

Frauds upon creditors (Section 206).

Resistance to arrest (Section 224).

Offences relating to coin and stamps (Sections 230 to 263 A).

Culpable homicide (Sections 299 to 304).

Attempt to murder (Section 307).

Thagi (Sections 310, 311).

Causing miscarriage, and abandonment of child. (Sections 312 to 317).

Causing hurt (Sections 323 to 333).

Wrongful confinement (Sections 347, 348).

Kidnapping and slavery (Section 360 to 373).

Rape and unnatural offences (Sections 375 to 377).

Theft, extortion, robbery, etc. (Sections 378 to 414).

Cheating (Sections 415 to 420).

Fraudulent deeds, etc., (Sections 421 to 424).

Mischief (Sections 425 to 440).

Lurking house-trespass (Sections 443, (444).

Forgery, and using forged documents, etc. (Sections 463 to 477A).

“Desertion from any unit of” “Indian State Forces” declared by the Governor-General-in-Council, by notification in the Gazette of India to be a unit, desertion from which is an extradition offence.”

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the Master.

Any offence against any section of the Indian Penal Code or against any other law which may, from time to time be specified by the Governor-General-in-Council by notification in the Gazette of India either generally for all States or specially for any one or more States.

The following Notifications have been issued under the powers conferred by this schedule : -

No. 4806-I. B., dated the 17th November 1919.—In exercise of the powers conferred by the First Schedule to the Indian Extradition Act, 1903 (XV of 1903), and in suppression of the Notification of the Government of India in the Foreign Department, No. 3361 -I.A., dated 23rd December, 1898, the Governor-General-in-Council

is pleased to declare offences under the Criminal Tribes Act, 1911 (III of 1911), to be extradition offences within the meaning of the Indian Extradition Act, 1903 (XV of 1903).

No. 520-1, dated the 28th October, 1925 (See Gazette of India, 1925, Part 1, p. 1057) contains declarations in respect of units of the Indian State Forces desertion from which is declared to be an extradition offence.

## RULES FOR THE PURSUIT AND ARREST OF FUGITIVE OFFENDERS.

No. 107-1—In exercise of the powers conferred by Section 22 of the Indian Extradition Act, 1903 (XV of 1903) and in supersession of the notification of the Government of India in the Foreign and Political Department, No. 505-1, dated the 13th August, 1931, the Governor-General-in-Council is pleased to make the following rules to provide for the pursuit and arrest in British India of persons accused of offences committed elsewhere :—

1. When a person accused of having committed in a State specified in the First Schedule hereto, an offence which, if committed in British India, would be punishable under a section of the Indian Penal Code specified in the Second Schedule hereto, enters British India with members of the Police Force of that State in pursuit, the pursuing party may subject to the provisions hereinafter contained, continue the pursuit into, and arrest the fugitive in British India.

2. The authorisation conferred by rule (1) shall not be operative unless—

(a) The pursuing party includes at least one officer holding in the State Police Force a rank not lower than the rank

corresponding with that of a Head Constable of Police in British India, and

- (4) The circumstances are such that an application for the continuance of the pursuit and the effecting of the arrest by the British Indian Police would prejudice the prospect of effecting the arrest of the fugitive.

3. A person arrested by State Police under the authority of these rules shall forthwith be conveyed to the nearest place in which an officer of the British Indian Police is known to be and shall be handed over to the British Indian Police in that place.

N.B.—Almost all the important Indian States are included in the First Schedule mentioned in para 1.

## SCHEDULE. II

List of the Sections of the Indian Penal Code :—

Sections 300, 302, 303, 304, 307, 308, 311, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401 and 402.

Published in the "Gazette of India", dated the 5th March 1932.

## RULES FOR THE GUIDANCE OF POLITICAL AGENTS.

No. 1862-I. A.

### GOVERNMENT OF INDIA.

Foreign Department Notification.

Simla, the 13th May, 1904.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Ordinance-in-Council,

1902, and by Section 22 of the Indian Extradition Act, 1903 (XV of 1903), and in supersession of all previous rules on the same subject, the Governor-General-in-Council is pleased, with effect from the 1st day of June 1904, to make the following rules, namely :—

1. The Political Agent shall not issue a warrant under Section 7 of the Indian Extradition Act, 1903 (hereinafter referred to as "the said Act"), in any case which is provided for by Treaty, if the State concerned has expressly stated that it desires to abide by the procedure of the Treaty, nor in any case in which a requisition for surrender has been made by or on behalf of the State under Section 9 of the said Act.

2. The Political Agent shall not issue a warrant under Section 7 of the said Act except on a request preferred to him in writing either by or by the authority of the person for the time being administering the Executive Government of the State for which he is a Political Agent, or by the Court within such State which has been specified in this behalf by the Governor-General-in-Council, as the case may be, by Notification in the *official Gazette*.

3. If the accused person is a British Subject, the Political Agent shall, before issuing a warrant under Section 7 of the said Act, consider whether he ought not to certify the case as one suitable for trial in British India, and he shall, instead of issuing such a warrant, so certify the case, if he is satisfied that the interests of justice and the convenience of witnesses can be better served by the trial being held in British India.

4. The Political Agent shall, in all cases before issuing a warrant under Section 7 of the said Act, satisfy himself, by preliminary



inquiry or otherwise, that there is a *prima facie* case against the accused person.

5. (1) The Political Agent shall, before issuing a warrant under Section 7 of the said Act, decide whether the warrant shall provide for the delivery of the accused persons—

(a) to the Political Agent or to a British Officer subordinate to the Political Agent with a view to his trial by the Political Agent, or

(b) to an authority of the State with a view to his trial by the State Courts.

(2). Before coming to a decision the Political Agent shall take the following matters into consideration :—

(i) the nature of the offence charged,

(ii) the delay and trouble involved in bringing the accused person before himself ;

(iii) the Judicial qualifications of the Courts of the State ;

(iv) whether the accused person is a British subject or not ; and if he is a British (other than European British) subject, whether the Courts of the State, either by custom or by recognition, try such British subjects surrendered to them ; and

(v) whether the courts of the State have by custom or by recognition, power to inflict the punishment which may be inflicted under the Indian Penal Code for an offence similar to that with which the accused person is charged.

6. Notwithstanding anything in Rule 5, the Political Agent shall make the warrant provide for the delivery of the accused person to himself (or to an officer subordinate to himself), or to an authority of the State concerned, as the case may be, if he is generally or specially instructed by the Governor-General-in-Council to try an accused person himself or to make him over for trial to the proper Court of such State.

7. In the case of an accused person made over for trial to the Court of the State the Political Agent shall satisfy himself that the accused receives a fair trial, and that the punishment inflicted or conviction is not excessive or barbarous ; and, if he is not so satisfied, he shall demand the restoration of the prisoner to his custody, pending the orders of the Governor-General-in-Council.

8. A return of all persons made over for trial to the courts of a State shall be submitted half-yearly by the Political Agent to the Government of India or to the Government of Madras or Bombay, as the case may be, in the following form :—

Half-yearly return under Rule 8 of the rules under the Indian (Foreign Jurisdiction) Order-in-Council, 1902, and the Indian Extradition Act, 1903 (XV of 1903), of person made over for trial by the Courts of the State of \_\_\_\_\_ during the period ending \_\_\_\_\_

No.	Name of person.	Offence with which charged.	Where arrested.	Date of surrender.	Native State to which surrendered for trial.	Reasons for surrender.

9. Accused persons arrested in British India on warrants issued under Section 7 or Section 9 of the said Act shall be treated, as far as possible, in the same way as persons under trial in British India.

10. A person sentenced to imprisonment by a Political Agent shall, if a British subject be conveyed to the most convenient prison under British administration, and shall there be dealt with as though he had been sentenced under the local law.

Provided always that this rule shall not be construed so as to give such person any right of appeal other than that allowed by the rules for the time being in force for regulating appeals the decisions of the Political Agent.

(Signed) L. W. Dane,  
Secretary to the Govt. of India.

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Copy of the Extradition Rules framed by  
Lt.-Col. H. Wylie, C.S.I., Political Agent in Bhopal,  
which were received from the Political Department,  
Government of Gwalior through the Political  
Agent, Eastern Rajputana States,  
Bharatpur.

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No. 248 Dated Bhopal, the 7th March, 1889.

From

Lt.-Colonel H. Wylie, C. S. I.,

Political Agent in Bhopal.

To.

The Agent to the Governor-General,  
for Central India.

In order to facilitate the arrest and extradition of dacoits who may flee from one State to another, I framed the rules which I have the honour to forward herewith and which I showed to the Agent to the Governor-General last January.

commission of an offence, and registered criminals (vide Section 16) may be arrested by the pursuing party without the intervention of the local police of the State into which they have fled, provided at the time of the arrest the assistance of the local police cannot be obtained without risking the escape of the accused.

2. In all other cases where convicts or criminals escape from one place to another arrest should be made through the local police who are bound to give immediate attention to requisitions for assistance in arresting or searching for accused persons.

3. Immediately after arrest, whether under Section 1 or 2, the offenders should be made over to the local police of the State in which they are arrested, and the local official in command is bound to receive them and give a receipt for them.

4. No houses should be searched except through the local police and any stolen property found after the search should be made over to the local police who will give a receipt for it.

**Note**—To meet the requirements of justice it would be better, if the Police of the State where the offence has been committed, supplies an inventory of the stolen property before the search is made.

5. No arrest should be made as under Section 2, or house searched as under Section 4, except on the strength of a warrant previously obtained from a competent Magistrate of the Pargana in which the offence was committed, or from his superior, authorizing the arrest or the search to be made.

6. Persons making arrests as under Section 1 and the officers issuing warrants as under Section 5, shall not make arrests and issue warrants, respectively without having sufficient cause to justify their actions and shall be held responsible for what they do.

## II EXTRADITION

7. When criminals are pursued and caught red-handed or when there is no doubt regarding the criminality of the persons accused, extradition should be mutually granted without delay or superfluous formalities. In other cases on receipt from the State, in which the offence was committed, of sufficient *prima facie* evidence of the guilt of the persons arrested, they should be made over to that State direct without the intervention of the Agency.

8. But when any dispute arises regarding any point connected with the extradition, a reference should immediately be made to the Agency.

Note- This has nothing to do with the extradition agreement. It is always desirable to settle any differences of opinion mutually without reference to the Agency.

9. The *prima facie* evidence referred to in Section 7, should be furnished as soon as possible after arrest and should not be delayed more than one month, except under special circumstances which would be explained to the State in which the accused have been arrested and, if necessary, reported to the Political Agent.

Note—The period within which the *prima facie* evidence should be furnished is two months now. If there is any reason for prolonging it, it can best be intimated to the State concerned without referring the matter to the Political Agent. He need only be approached when there is any matter of exceptional importance.

10. If sufficient *prima facie* evidence referred to in Section 7 and 9 is not furnished within one month after the date of the arrest of the offenders, and the State in which the arrest took place is not satisfied with the explanation of the cause of delay, the said State shall report the facts to the Political Agent, and on obtaining the Political Agent's sanction shall release the accused.

Note--Now the general practice is that whenever the necessary *prima facie* evidence is not received within the statutory period of two months and the extraditing authority of the State where the arrest took place, thinks it proper he may release the accused either on bail or otherwise. He need not ordinarily refer the matter to the Political Agent unless there are special reasons for doing so.

11. The offences which shall be recognised as ordinarily justifying a demand for surrender are named in the accompanying schedule. B.

12. The trial should be completed as soon as possible. Complaint of delay or of irregularities in procedure or representations of any other matter connected with the trial which can not be mutually settled should be submitted to the Political Agent for orders.

Note--This appears to be a superfluous clause now.

13. When witnesses residing in one State are required by another State to give evidence in a criminal case, they should be sent at once.

14. Immediately after trial, copy of judgment should be given to the prisoner and intimation of the result of the trial should be at once conveyed to the State.

Note--The copy of the judgement can only be given on requisition. As regards the intimation of the result to the State, periodically, statements are sent for this purpose. It involves an unnecessarily lengthy procedure to send separate informations for each case.

15. Monthly statements of requisitions for surrender, and of surrenders and trials, should be submitted to the Agency in the accompanying form.

Note--By virtue of the letter No. 2391 dated 8th July 1909 received from the Political Agent, Eastern Rajputana States, Bharatpur, statements of requisitions for surrender are submitted half yearly.

16. Persons who have committed offences named in schedule B and whose arrest is required should be registered as soon as sufficient *prima*



*facie* evidence of their guilt has been obtained and a copy of this register should be circulated to all the States where there is any likelihood of the accused taking refuge.

(Sd.) H. Wylie, Lt-Col.,  
Political Agent in Bhopal.

### SCHEDULE A.

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1. Dacoity. 2. Robbery. 3. Cattle-lifting and theft with house-breaking. 4. Murder. 5. Culpable homicide. 6. Rape. 7. Grievous hurt.

### SCHEDULE B.

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Sections of Indian Penal Code.

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- |              |  |
|--------------|--|
| 224.         | Resistance or obstruction by a person to his lawful apprehension.  |
| 225.         | Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody. |
| 220-263.     | All the offences relating to coin and Government stamps as described in the Indian Penal Code.               |
|              | Murder.  |
| 299-304      | Culpable homicide.<br>Murder by a life convict.  |
| 307.         | Attempt to murder.   |
| 308.         | Attempt to commit culpable homicide.   |
| 310,<br>311, | Thug.  |
| 323.         | Voluntarily causing hurt.  |
| 324.         | Voluntarily causing hurt by dangerous weapons or means.  |
| 325.         | Voluntarily causing grievous hurt.   |
| 326.         | Voluntarily causing grievous hurt by dangerous weapons or means.   |

- 327. Voluntarily causing hurt to extort property or valuable security or to constrain to do anything which is illegal or which may facilitate the commission of an offence.
- 328. Administering stupefying drug with intent to cause hurt, etc.
- 329. Voluntarily causing grievous hurt to extort property or a valuable security or to constrain to do anything which is illegal or which may facilitate the commission of an offence.
- 330. Voluntarily causing hurt to extort confession or information, or to compel restoration of property, etc.
- 331. Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc.
- 332. Voluntarily causing hurt to deter public servant from his duty.
- 333. Voluntarily causing grievous hurt to deter public servant from his duty.
- 361. Kidnapping from lawful guardianship.
- 362. Abduction.
- 363. Kidnapping (punishment).
- 364. Kidnapping or abducting in order to murder.
- 365. Kidnapping or abducting with intent secretly and wrongfully to confine a person.
- 366. Kidnapping or abducting a woman to compel her marriage or to cause her defilement.

- 367. Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.
- 368. Concealing or keeping in confinement a kidnapped person.
- 369. Kidnapping or abducting a child with intent to take property from the person of such child.
- 370. Buying or disposing of any person as a slave.
- 371. Habitual dealing in slaves.
- 372. Selling or letting to hire a minor for purposes of prostitution, etc.
- 373. Buying or obtaining possession of a minor for the same purposes.
- 375.) Rape.
- 376.)
- 377. Unnatural offences.
- 378.) Theft.
- 379.)
- 380. Theft in a building, tent or vessel.
- 381. Theft by a clerk or servant of property in possession of master or employer.
- 382. Theft, preparation having been made for causing death or hurt or restraint or fear of death or of hurt or of restraint in order to committing of such theft, or to retiring after committing it, to retaining property taken by it.
- 386. Extortion by putting a person in fear of death or grievous hurt.
- 387. Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.
- 388. Extortion by threat of accusation of an offence punishable with death,

transportation for life, or imprisonment for 10 years.

- 389. Putting a person in fear of accusation of an offence punishable with death, transportation for life, or with imprisonment for 10 years in order to commit extortion.
- 390. Robbery.
- 391.)
- 392.)     Dacoity.
- 393. Attempt to commit robbery.
- 394. Person voluntarily causing hurt in committing or attempting to commit robbery or any other person jointly concerned in such robbery.
- 395. Dacoity.
- 396. Murder in Dacoity.
- 397. Robbery or Dacoity with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399. Making preparation to commit dacoity.
- 400. Belonging to gang of persons associated for the purpose of habitually committing dacoity.
- 401. Belonging to a wandering gang of persons associated for the purpose of habitually committing theft.
- 402. Being one of five or more persons assembled for the purpose of committing dacoity.
- 405.)
- 406.)     Criminal breach of trust.
- 407. Criminal breach of trust by a carrier, wharfinger, &c.
- 408. Criminal breach of trust by a clerk or a servant.

409. Criminal breach of trust by public servant or by banker, merchant or agent, &c.
435. Mischief by fire or explosive substance with intent to cause damage to amount of Rs. 100 or upwards, or in case of agricultural produce, Rs. 10 or upwards.
436. Mischief by fire or explosive substance with intent to destroy a house, &c.
437. Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.
438. The mischief described in the last section when committed by fire or any explosive substance.
439. Running vessel ashore with intent to commit theft, &c.
440. Mischief committed after preparation made for causing death or hurt, &c.
445. House-breaking.
446. House-breaking by night.
464.  
465. Forgery.
466. Forgery of a record of a Court of Justice, or of a register of births, &c. kept by a public servant.
467. Forgery of a valuable security, will, or authority to make or transfer any valuable security or to receive any money, &c.
468. Forgery for the purpose of cheating.
471. Using as genuine a forged document which is unknown to be forged.
472. Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Section 467, Indian Penal Code, or possessing with like

intent any such seal, plate and knowing the same to be counterfeit.

473. Making or counterfeiting a seal, plate etc. with intent to commit a forgery punishable otherwise than under section 467 Indian Penal Code or possessing with like intent any such seal, plate, etc. knowing the same to be counterfeit.
474. Having possession of a document, knowing it to be forge with intent to use it as genuine, if the document is one of the description mentioned in Section 466 of the Indian Penal Code, as also Section 467, Indian Penal Code.
475. Counterfeiting a device or mark used for authenticating documents described in Section 467 of the Indian Penal Code, or possessing counterfeit marked material.
476. Counterfeiting a device or mark used for authenticating documents other than those described in Section 467 Indian Penal Code, or possessing counterfeit marked material.
477. Fraudulently destroying or defacing, or attempting to destroy or deface or secreting a will, etc.

Sd. H. Wylie, Lt.-Col.,  
Political Agent in Bhopal.

## GENERAL NOTES ON COL. WYLIE'S RULES

The Extradition Rules for Indian States in Central India Agency were framed by Lt.-Col. H. Wylie. C. S. I., Political Agent in Bhopal. These Rules have virtually become the basis of all further interstatal Treaties, not only in Central India and Rajputana but also in other parts of the country.

These rules have accordingly been agreed to be followed for extradition purposes between Dholpur and Gwalior from 1st. November 1900 by virtue of the letter No. 179-79 dated 2nd October 1900 from the Dewan of Dholpur to the Political Agent, Eastern Rajputana States, Bharatpur. The following correspondence will be found instructive in this respect :—

1.. Copy of a letter No. 2941 dated 30th July 1899 from the Political Agent, Eastern Rajputana States, Bharatpur, to the Dewan of Dholpur.

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In acknowledging the receipt of your letter No. 403 dated the 20th January 1899, regarding the introduction of extradition rules between Dholpur and Gwalior, I have the honour to request that you will please refer to your letter No. 362 of the 17th August 1897 and be good enough to send me a revised list of the sections regarding which any alteration or modification or omission is required as noted in Mr. H. C. Clogstons notes (which are herewith returned) in place of the list then submitted you can add that the list has His Highness the Maharaj Rana's approval and that His Highness wishes that the arrangement might be introduced tentatively for 18 months.

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2. Copy of a letter No. 601 dated 20th August 1899, from the Dewan of Dholpur, to the Political Agent, Eastern Rajputana States.

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With reference to your letter No. 2941G, dated the 3rd July 1899 and subsequent reminder, I have the honour to intimate that His Highness the Maharaj Rana has approved introduction into the Dholpur State tentatively for 18 months certain sections of the Indian Penal Code for extradition of criminals.

A statement showing the sections of the Code approved by the Darbar as well as the re-

marks made by Mr. Clogestons is herewith appended for your information.

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3. Copy of a letter No. 1495 dated 21st March 1900 from the Political Agent, Eastern Rajputana States, Bharatpur, to the Dewan of Dholpur.

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With reference to the correspondence ending with your letter No. 916 dated the 11th December 1899, I have the honour to inform you that on the 19th December 1899 I submitted to the First Assistant Agent to the Governor-General, Rajputana a statement showing the views of the Dholpur and Karauli Darbars with regard to each section of the Indian Penal Code mentioned in the Interstatal Extradition Rules framed by Col. H. Wyllie.

In reply to my letter the First Assistant Agent to the Governor-General has now forwarded to me the enclosed statement in original containing certain modifications in the schedule of Extradition offences which in view of the suggestions offered by both the Darbars, have commended themselves to the Agent to the Governor-General to the Central India, and says that in Mr. Martindale's opinion the rules as thus altered might with advantage be accepted by the Dholpur Darbar.

I shall be obliged if you will kindly favour me with a very early reply in the matter returning the original statement after keeping a copy for record.

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4. Copy of a letter No. 404-79 dated the 6th April 1900, from the Dewan of Dholpur, to the Political Agent, E.S. Rajputana. Bharatpur.

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With reference to your letter No. 1495 dated the 21st ultimo, I have the honour to accept the alterations in the schedule of extraditable offences.

The original statement is herewith returned.



5. Copy of a letter No. 3992 dated 11th August 1900, from the Political Agent, Eastern States Rajputana, Bharatpur, to the Dewan of Dholpur.

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With reference to your letter No. 404-79 dated 6th April 1900 intimating that the Dholpur Darbar accepts the revised schedule of Interstatal Extraditable Offences, I have the honour to inform you that I have received a letter from the First Assistant Agent to the Governor-General, in which it is stated that the Honourable the Agent to the Governor-General in Rajputana thinks that the 1st October would be a suitable date for the introduction of the rules, and if the Dholpur Darbar agree, you should give intimation to that effect to the District and Police Officers of the Dholpur State.

On hearing from you that the Dholpur Darbar have accepted this proposal, the A. G. G. in Central India will be informed accordingly.

In conclusion I am desired by Col. Wyllie to convey to the Darbar an expression of his satisfaction at the adoption of the rules and of his hope that the rules will be loyally adhered to and acted upon by all concerned.

Please favour me with an early reply.

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6. Copy of a letter No. 1079-79 dated the 2nd October 1900, from the Dewan of Dholpur to the Political Agent, Eastern States Rajputana, Bharatpur.

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With reference to your telegram dated the 29th ultimo regarding extradition rules, I have the honour to intimate that the orders have been issued for their introduction from 1st November 1900.

7. Copy of a letter No. 1225 dated 11th May 1917, from the Judicial Secretary, Dholpur.

to the Member for Law & Justice, Huzoor Darbar, Gwalior.

With reference to your D. O. letter No. 389 dated 20-4-1917 regarding the inclusion of Section 403 of the Indian Penal Code in the list of offences extraditable between the Dholpur and Gwalior States, I am directed to say that H.H. the Maharaj Rana has no objection to accept the proposal of the Gwalior Darbar and has issued orders that offenders under Section 403 of the Indian Penal Code will in future be extradited between Dholpur and Gwalior States but this agreement will have no retrospective effect.

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8. Copy of a letter No. 1541 dated 27-6-1917, from the Judicial Secretary, Dholpur, to the Member for Law & Justice, Hazoor Darbar, Gwalior.

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With reference to your D. O. letter No. 456 dated 6-6-1917, asking whether the offenders under sections, 206, 208, 212, 216, 312 to 317 inclusive 314, 348, 383 to 385 inclusive 443 and 444 of the Indian Penal Code will in future be extradited between the Dholpur and the Gwalior States, I am directed to say that H. H. the Maharaj Rana accepts the proposals of the Gwalior Darbar and has issued orders that offenders under the sections noted above will in future be extradited between the Dholpur and the Gwalior States.

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Section 6 of the Interstatal Matters Manual, Gwalior State of Sambat 1975 also provides that Wyllie Rules will be observed in matters of Extradition to and from Dholpur State. The section runs as follows :—

The Dholpur State has agreed to be bound by the Wyllie Rules in matters of extradition to and from Gwalior State and other matters subject to the following proviso :—

“ Firstly—Of hot pursuit of offenders under

Rule 1 of the Wyllie Rules : the Police pursuing the offenders should, on crossing the boundary of the other State, send a constable to inform the officer of the nearest Police Station of that State of the cause and the direction of the pursuit and to ask him to come to his assistance without delay. But it shall not be necessary to wait for the Police of the other State and desist from hot pursuit.

"Secondly—House-searches may be effected in pursuance of warrants issued by a Magistrate of either State.

"Thirdly—The witnesses sent on requisition from one State to another shall not be liable to arrest for any offence but shall be returned to the State sending them. Requisitions for their surrender, if necessary, will be sent in due course. The Thanedars of the respective States shall be authorised to correspond directly in such matters."

" Note:—The Dholpur Darbar have also agreed to be bound by the instructions contained in Circular No. 29 of 1902 reproduced with necessary modification in Section 12 of this Part."

## PURSUIT OF ACCUSED PERSONS INTO INDIAN STATE

In respect of the pursuit of accused persons by complainants and British Police Officers into the territories of the Indian States, the provisions of the existing Treaties and established practices are followed by the pursuing parties. Generally the procedure prescribed for the pursuit and arrest of offenders in British India is followed in the Indian States also.

As regards the pursuit of offenders between Indian States *inter se*, the provisions of treaties entered into individually by such States should be followed. Col. Wyllie's Rules are also explicit in this matter and are generally followed to the letter in Rajputana and Central India.

## EXPENSES.

The system of reciprocal extradition of criminals, free of cost, with British India was introduced in 1914 by virtue of the following letter :—

Copy of a letter No. 839 dated the 2nd. March 1914 from Lt. Col. A.D.A.G. Bannerman, C.V.O., C.I.E., I.A., Political Agent, Eastern Rajputana States, Bharatpur, to the Judicial Secretary, Dholpur State, Dholpur.

With reference to the correspondence ending with the Superintendent's letter No. 684, dated the 16th November 1912, I have the honour to state, for the information of the Dholpur Darbar, that the Government of India in the Foreign and Political Department have sanctioned the introduction of reciprocal arrangements between British India and the States and Chiefships noted on the margin, for the waiver of subsistence allow-

Alwar, Banswara, Bharatpur, Bikaner, Dholpur, Dungarpur, Jaipur, Jaisalmer, Jhalawar, Jodhpur, Karauli, Kishangarh, Kushalgarh, Kotah, Mewar, Partabgarh, Shahpura, Sirohi and Tonk.	ances and journey expenses of accused persons surrendered from
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one to the other and of the cost of transmission of stolen property of any kind which is the subject of criminal proceedings.

2. The necessary instructions have been issued to all the Local Governments and Administrations in India by the Government of India. Similar arrangements were introduced between Dholpur and Baroda Darbars in 1916 by virtue of the following letter :—

Copy of a letter No. 2590 dated the 30th May 1916 from Lt.-Col. A. D.A.G. Bannerman, C.V.O., C.I.E., I.A., Political Agent, Eastern Rajputana States, Bharatpur, to the Judicial Secretary, Dholpur.

With reference to your office letter No. 4904 dated the 29th August 1910, regarding the proposal for a reciprocal arrangement for the maintenance and conveyance of prisoners and property in extradition cases between the Baroda

State and such of the States in the Rajputana Agency as may agree to it, I have the honour to say that the Baroda Darbar have noted that the Dholpur Darbar are willing to accept the arrangement for the reciprocal waiver of charges for the maintenance and conveyance of prisoners and property in extradition cases and they have, therefore, issued the necessary instructions to their officials as regards extradition from the Dholpur State. It is requested that the new procedure may be duly notified in the State.

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This point has not been dealt with in the Col.-Wyllie's Rules; but the above-mentioned rule is now followed in all the States and has been found to be very successful and workable. Thus it is now the established practice that the expenses of the transfer of accused persons are met by the extraditing State unless otherwise settled.

### PREVIOUS CONVICTIONS.

The Dholpur State has also agreed that its courts should take into consideration, the previous convictions of an offender in any other States in Rajputana or Central India. There are distinct agreements with Kotah, Jhalawar and Bikaner to this effect. Such a system is essential for better administration, and is now followed uniformly by almost all Indian States. Specific agreements might have been found necessary for this purpose in the nineteenth century when there used to be remarkable difference in the standard of administration of justice in different States. In those days the reciprocal recognition of previous convictions could be objected to. But now, I do not think, there is any reason for such caution. Dholpur State always takes into consideration the previous convictions of British courts or from any court of an Indian State irrespective of the fact that there is any distinct agreement to that effect or not.

Extradition Treaty between the British Government and His Highness Raeesood Dowlah Sepadar-ool-Moolk Maharaja Dheeraj Sree Sewaee Rana Bhugwunt Singh Lokendur Bahadoor Duler Jung Jeydeo of Dholepoor, his heirs, and successors, executed on the one part by Captain Charles Kenneth Mackenzie Walter, in Political Charge of the Dholepoor State, under authority from Colonel William Frederick Eden, Agent to the Governor-General for the States of Rajpootana, in virtue of the full powers vested in him by His Excellency the Right Hon'ble Sir John Laird Mair Lawrence, Baronet, G.C.B., G.C.S.I., Viceroy and Governor-General of India, and on the other part by Pirbhoo Lall, Nazim Adawlut, and a member of the Dholepoor Council, in virtue of the full powers conferred on him by the Maharana aforesaid.

#### ARTICLE 1

That any person, whether a British or Foreign subject, committing a heinous offence in British territory, and seeking shelter within the limits of the Dholepoor State, shall be apprehended and delivered up by the latter Government to the former on requisition in the usual manner.

#### ARTICLE 2

That any person, being a subject of Dholepoor, committing a heinous offence within the limits of the Dholepoor State, and seeking asylum in British territory, will be apprehended and delivered up by the latter Government to the former on requisition in the usual manner.

#### ARTICLE 3

That any person, other than a Dholepoor subject, committing a heinous offence within the limits of the Dholepoor State, and seeking asylum in British territory, will be apprehended and the case investigated by such Court as the British Government may direct. As a general rule,

such cases will be tried by the Court of the Political Officer in whom the Political supervision of Dholepoor may at the time be vested.

#### ARTICLE 4.

That in no case shall either Government be bound to surrender any person accused of a heinous offence, except upon requisition duly made by, or by the authority of, the Government within whose territories the offence shall be charged to have been committed, and also upon such evidence of criminality as, according to the laws of the country in which the person accused shall be found, would justify his apprehension, and sustain the charge if the offence had been there committed.

#### ARTICLE 5.

That the following offences be deemed as coming within the category of heinous offence :—

- |  |   |
|--|---|
| 1. Murder.   | 11. Robbery.                                      |
| 2. Attempt to murder.                                    | 12. Burglary.                                     |
| 3. Culpable homicide under<br>aggravating circumstances. | 13. Cattle-theft.                                 |
| 4. Thuggee.  | 14. Arson.  |
| 5. Poisoning.  | 15. Forgery.                                      |
| 6. Rape.   | 16. Counterfeiting coin or<br>uttering base coin. |
| 7. Causing grievous hurt.                                | 17. Criminal breach of trust.                     |
| 8. Child-stealing.                                       | 18. Criminal misappropriation<br>or property.     |
| 9. Selling females.                                      | 19. Abetting the above<br>offences.               |
| 10. Dacoity.   |   |

#### ARTICLE 6.

The expenses of any apprehension, detention, or surrender, made in virtue of the foregoing stipulations shall be borne and defrayed by the Government making the requisition.

#### ARTICLE 7.

The above Treaty shall continue in force until either of the high contracting parties shall give notice to the other of its wish to terminate it.

## ARTICLE 8

Nothing herein contained shall be deemed to affect any Treaty now existing between the high contracting parties, except so far as any Treaty may be repugnant thereto.

Signed, sealed, and exchanged at Bhurtpoor this fourteenth day of January, A.D. Eighteen Hundred and Sixty-eight, corresponding to the fifth day of Magh Buddee, Sumbut Nineteen Hundred and Twenty-four.

(Sd.) C. K. M. Walter,  
*In Political Charge Of Dholepoor*

(Seal.)

(Sd.) MAYO.

This Treaty was ratified by His Excellency the Viceroy and Governor-General of India at Calcutta on the fifteenth day of February 1869.

(Sd.) W. S. SETON-KARR,  
*Secy. to Govt. of India, Foreign Department,*

## EXTRADITION TREATY BETWEEN THE JAIPUR AND THE DHOLPUR STATE.

### PREAMBLE.

Whereas it is the desire of the Jaipur and the Dholpur States to facilitate the reciprocal extradition of offenders from one State to the other, it is hereby agreed as follows :—

### ARREST

Section 1.—The offences which shall be recognised as ordinarily justifying a demand for surrender are named in the accompanying Schedules A & B.

Section 2.—Perpetrators of offences named in Schedule A, annexed hereunto, when pursued from one State to another, immediately after the



commission of an offence, and registered criminals, may be arrested, or their tracks may be followed by the pursuing party consisting of not more than 8 persons, without the intervention of the local Police of the State into which they have fled, provided that at the time of the arrest or following the tracks, the assistance of the local Police cannot be obtained without risking the escape of the accused, provided also, that the pursuit party shall keep a note of the village through the boundaries of which the tracks are believed to have been traced and a copy of such note shall be delivered to the State concerned for such action as the State may consider necessary.

Note.—A registered criminal is a member of a criminal tribe whose name is entered in the Register maintained under the orders of His Highness's Government for persons whose movements are restricted by Rules, a breach whereof is an offence under the law of the State.

Section 3.—In all other cases, where dacoits or criminals escape from one State to the other, arrests shall be made through the local police who are bound to give immediate attention to requisitions for assistance in arresting or searching for accused persons. Such requisitions may be sent by a telegram from any Magistrate or Police Officer of the State not below the rank of an officer in charge of the Police Station asking for arrest.

Section 3 (a).—Requisition for such arrest or search should be accompanied with a detailed list of the property involved.

Section 4.—Immediately after arrest, whether under section 2 or 3, the offender together with the property (relating to the offence) found with him shall be made over to the local Police of the State in which he is arrested, and the local official in charge is bound to take him into his custody, and give a receipt for him.

Section 5.—No house shall be searched except through or with the written permission of the local police and any stolen property found in course of the search, shall be made over to the local Police, who shall give a receipt for it. If, however, the assistance of the local Police cannot be obtained immediately, such house may be locked up for search until the arrival of the local Police and the Choudhari, Headman or Mukhia of the village and the Pattedar or any one of his employees in the case of a Patta village shall give every assistance in keeping watch to the party, requiring it.

Section 6.—Notwithstanding anything contained in Sections 3 and 5 the Zenana quarters of a Pardanashin lady shall not be searched except in accordance with the rules and procedure in force in either State in this behalf.

Section 7.—Extradition of an accused, whether arrested under Section 2 or Section 3, shall invariably be granted, on receipt of sufficient *prima facie* evidence of his guilt from the State in which the offence was committed, and the accused shall be made over to that State direct without the intervention of the Political Resident or Agent.

Section 8.—The accused shall be handed over to the nearest Thana of the demanding State.

Section 9.—But when any dispute arises regarding any point connected with the extradition, a reference shall immediately be made by the State, which is dissatisfied, to its Political Agent or Resident and his decision shall be final.

Section 10.—The *prima facie* evidence, referred to in Section 7, shall be furnished as soon as possible after the arrest, and shall not be delayed more than two months since the date of the arrest, except under special circumstances which

shall be explained to the State in which the accused has been arrested.

Section 11.—If sufficient *prima facie* evidence referred to in Sections 7 and 10 is not furnished within two months after the date of the arrest of the offender, and the period has not been extended by mutual agreement, or the delay has not been satisfactorily explained by the demanding State, the State in which the accused has been arrested shall immediately report the matter to its Resident or Political Agent and may, if the offence or offences complained of are bailable, release the accused on bail, which shall be communicated to the demanding State.

Section 12.—If in spite of the report referred to in Section 11, such *prima facie* evidence is not received within three months of the arrest, the accused shall, in the absence of any decision to the contrary by the Resident or Political Agent under Section 11, be unconditionally released, no matter whether the offence or offences complained of are bailable or non-bailable.

Section 13.—The trial shall be completed as soon as possible. Complaints of delay or of irregularity in procedure or representation of any other matter connected with the trial, which cannot be mutually settled, shall be referred by the State, which is dissatisfied, to its Political Resident or Agent.

Section 14.—When a witness residing in one State is required by a Court of the Police of another State to give evidence in a criminal case, his attendance shall be enforced through the State in which he resides. In case of his disobedience or evasion of the summons, the State to which he belongs shall, when moved by the demanding State, arrest him and arrange for his attendance in the Court concerned at the cost of the demanding State, provided his evidence is con-

sidered essential to the case, and he is neither exempt from attendance in court nor is incapable of such attendance through infirmity or illness.

Section 15.—As soon as possible, after trial, a copy of the judgment shall be given to the prisoner, if required, and intimation of the result of the trial shall at once be sent to the State in which the arrest was made. A copy of the judgment may also be supplied to the State, if required.

Section 16.—All expenses incurred in the feeding and detention of the fugitive offender as well as in the transit of the accused and property relating to the offence with which he is charged shall be paid by the State in which the accused is arrested and the property is secured, and no amount shall be debited to the State requesting extradition.

Section 17.—Notwithstanding anything contained in the above sections, no Rajvi, Tazimi Sardar, Jagirdar, Muafidar or a State servant getting a salary of Rs. 25 and over shall be extradited. If, however, the State, in which an extradition offence has been committed, desires that a trial shall be held in such a case, *prima facie* evidence shall be sent to the State to which the offender belongs, so that he may be duly tried by the latter State.

Section 18.—Notwithstanding anything contained in the foregoing sections, it shall not be necessary to send any evidence or papers in case of demands for the extradition of military deserters, who shall be surrendered on receipt of the usual form of requisition.

Section 19.—This agreement shall come into force from the first day of January in the year One Thousand Nine Hundred and Thirty-three and shall, in the first instance, be operative for three years by way of trial.

## SCHEDULE A.

Short title.	Sections under I. P. C.
Murder or Culpable homicide.	302-304 & 307-308
Thaggi,	310-311
Rape	376
Cattle-lifting	379
Theft	380-381 & 382
Dacoity or robbery	392-399
House-breaking for purpose of theft	457

## SCHEDULE B.

Sedition	124-A
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For the purpose of this section the word " King " shall be held to include also the Ruler or recognized Government of the State concerned.

Abetting Mutiny	131-133
Rioting	147-148
Promoting enmity between classes	153-A
Bribery	161
Harbouring offenders	212-216-216-A
Resisting lawful arrest	224-225
Offences relating to coins and stamps	231-263-A

The offences, mentioned in the above sections will be held extraditable, whether they refer to coinage and stamps of the British Government or to those of the State concerned.

Hurt and grievous hurt	324-333
Wrongful confinement	347-348
Abduction and Kidnapping	363-373
Procurator of minor girls	366-A
Unnatural offences	377
Extortion	386-389
Belonging to a gang of dacoit and thieves and assembling for purpose of committing dacoity	400-402
Dishonest misappropriation	403-404

Criminal breach of trust	406-409.
Receiving stolen property	411-414.
Cheating	417-420.
Mischief by fire	435-436.
Mischief committed after preparation of causing death or hurt	440
House trespass with intent to com- mit an offence punishable with death or transportation for life	449-450.
Forgery &c.	465-4778A.
Counterfeiting notes	489-A-489-B.
Cow-slaughter	
Military deserters ( from the units as per Schedule C. )	
Police deserters	
Any other offences which may be mutually agreed upon in future	

### SCHEDULE C.

#### 1 Jaipur State :—

- 1 1st Jaipur Infantry.
- 2 Jaipur State Transport Corps.
- 3 2nd Jaipur Infantry.
- 4 Jaipur Lancers.
- 5 Paltan Topkhana.
- 6 Sawai Man Guards.

#### 11 Dholpur State:—

- 1 The Narsingh Infantry

Sd. Seitla Prasad Bajpai  
Member-in-Charge,  
Judicial Department,  
Council of State,  
Jaipur.

Sd. A. N. Thorpe  
Political Secretary,  
Dholpur State.

Copy of a letter No. 1617-J-2-738, dated the 27th October 1934 from the Judicial Member, Council of State, Jaipur, to the Resident at Jaipur.

### *Extradition Treaty between the Jaipur and the Dholpur Durbars.*

With reference to the correspondence ending with your letter No. 4090-79-31, dated the 13th July, 1934 I have the honour to intimate that Narsingh Infantry is already included in Part II of the Schedule "C" to the Jaipur-Dholpur Extradi-

tion Treaty. The Jaipur Government agree to the addition of the following units of the Dholpur State Forces in Part II of Schedule "C" of the Treaty:—

- (1) Reserve Company.
- (2) Companies Nos. 1, 2 and 3.
- (3) Paltan Najib (Tuman Nos. 1, 2 and 3).
- (4) Bera Villayties.
- (5) Beri Bargirs.
- (6) Topkhana.
- (7) Cavalry Reserve Troop, and
- (8) Cavalry Troop No. 2.

Copy of endo : No. 5014-251-27 dated Bharatpur the 11th January 1935, from the Political Agent, Eastern Rajputana States, Bharatpur, to the Political Secretary, Dholpur State, Dholpur.

Returned to the Political Secretary, Dholpur duly sealed and signed by the representatives of the Datia Darbar, with reference to his letter No. 44-149-Ver. dated the 21st September—5th October 1934.

2. The Hon'ble the Agent to the Governor-General approves the adoption of the agreement by the Dholpur and Datia Darbars.

One copy of the Dholpur-Datia Extradition Agreement.

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## AGREEMENT (EXTRADITION) BETWEEN DHOLPUR AND DATIA STATES.

Based on Extradition Rules between Bikaner and Jodhpur States, and,

Extradition Rules between Dholpur and Marwar States.

*Section 1. Arrest:—* Perpetrators of offences named in schedule A, annexed hereto, when pursued from one State to another immediately after the

commission of an offence, and registered criminals (vide Section 14) may be arrested or their tracks may be followed by the pursuing party without the intervention of the local Police of the State into which they have fled, provided at the time of the arrest or following the tracks the assistance of the local Police cannot be obtained without risking the escape of the accused ; provided also that pursuing party shall keep a note of the villages through the boundaries of which the tracks are believed to have been traced, and a copy of such note will be delivered to the State concerned, for such action as the State may consider necessary. The State concerned is not bound to act on information contained in the note.

*Section 2.* In all other cases, where dacoits or criminals escape from one State to another, arrest should be made through the local Police who are bound to give immediate attention to requisitions for assistance in arresting or searching for accused persons. Such requisitions may be sent by telegram from any Magistrate or Police Officer of the State not below the rank of an Inspector asking for arrest.

*Section 3.* Immediately after arrest whether under Section 1 or 2, the offenders together with the property (relating to the offence) found with them should be made over to the local Police of the State in which they are arrested and local official in



command is bound to receive them and give a receipt for them.

*Section 4.* No houses should be searched except through or with the written permission of the local Police and presentation of the list of property suspected, and any stolen property found after the search should be made over to the local Police who will give a receipt for it. If, however, the assistance of the local Police cannot be obtained immediately, such house may be kept under watch until the arrival of the local Police and the Chaudhry, Headman or Mukhia of the village, and the Pattadar in the case of a Putta village should give every assistance to the party requiring it.

*Section 5.* Unless it appears highly probable that considerable delay will be caused by procuring a warrant with the consequent risk of the escape of the criminal, no arrest should be made as under Section 2 or house searched as under Section 4, except on the strength of a warrant previously obtained from a competent Magistrate of the Pargana in which the offence was committed or from his superior authorising the arrest or the search to be made but the zenana quarters of a Parda Nashin class shall in no circumstances be searched without such a warrant.

*Section 6. Extradition:* When perpetrators of offences under schedule A are pursued immediately after commission of an offence and are arrested under Section 4, extradition will

ordinarily be granted on receipt of a letter from a Magistrate of the State requesting extradition, and without the production of the *prima facie* evidence or any other formality. In other cases on receipt from the State in which the offence was committed of sufficient *prima facie* evidence of the guilt of the person arrested, they should be made over to the State direct without the intervention of the Political Resident or Agent.

*Section 7.* But when a dispute arises regarding any point connected with the extradition, a reference should immediately be made by the State which is dissatisfied to its Political Resident or Agent. If the Political Residents or Agents of both States agree, their decision shall be final, otherwise the matter shall be referred by the Political Resident or Agent of the dissatisfied State to the Hon'ble the Agent to the Governor-General of the dissatisfied State, whose decision shall be final.

*Section 8.* The *prima facie* evidence referred to in Section 6 shall be furnished as soon as possible after arrest, and should not be delayed more than two months except under special circumstances which should be explained to the State in which the accused have been arrested, and if necessary, reported to the Political Resident or Agent.

*Section 9.* If sufficient *prima facie* evidence referred to in Sections 6 and 8 is not

furnished within two months after the date of the arrest of the offenders and the State in which the arrest took place is not satisfied with the explanation of the cause of delay, the said State shall communicate the facts to the Political Resident or Agent and on obtaining the Political Agent's sanction shall release the accused.

*Section 10.* The offences which shall be recognised as ordinarily justifying a demand for surrender are named in the accompanying schedule.

*Section 11.* The trial should be completed as soon as possible. Complaints of delay or irregularity in procedure or representation of any other matter connected with the trial should be referred by the State that is dissatisfied to the highest Judicial Authority of the other State.

*Section 12.* When witnesses residing in one State are required by a Court or the Police of another State to give evidence in a criminal case, they should be sent at once.

*Section. 13.* As soon as possible, after trial the copy of judgment should be given to the prisoner if required, and intimation of the result of the trial should at once be conveyed to the State in which the arrest was made. Also a copy of judgment may be supplied to the State if required.

*Section 14.* A register showing requisitions for surrender and of surrenders and trials should be kept by the State in the usual form.

*Section 15.* Persons who have committed offences named in schedule B and whose arrest is required, should be registered as soon as sufficient *prima facie* evidence of their guilt has been obtained and a copy of this register should be circulated by the Head of the Police to all the States where there is any likelihood of the accused taking refuge.

*Section 16.* All expenses incurred in feeding and detention of fugitive offenders as well as the transit charges of accused persons and property relating to the offence with which they are charged will be paid by the State making the arrest, provided that no State shall be required to detain such persons or cattle or other property which are alleged to have been stolen pending the arrival of the necessary formal requisition for more than two months from the date of arrest or seizure.

*Section 17.* Nothing provided in these rules shall affect a question of the surrender of Tazimi Sardars, Jagirdars (limited to the blood relations of the Rulers) and officials (Heads of departments and officers getting Rs. 100 p.m. or more) of either State, if however the State in which extraditable offence has been committed by a Tazimi Sardar, Jagirdar or official of the other State, desires that the offenders shall be brought to trial, *prima facie* evidence should be sent to the latter State, which, if it considers that such evidence is sufficient will arrange for the trial. But it should be noted that

if a Tazimi Sardar, Jagirdar or an official (whatever he may be) commits an offence in one State and takes shelter in another State, the latter State will surrender him by means of *prima facie* evidence through proper channel.

*These rules will be brought into force with effect from the 1st December 1934.*

Section 18. The following will be the extraditable offences.

### SCHEDULE A

1. Dacoity or robbery U-S 392-399 inclusive of the Indian Penal Code.
2. Cattle lifting U-S 379 I.P.C.
3. House breaking for purpose of theft U-S 457 I.P.C.
4. Murder or culpable homicide U-S 302-304 and 307-308 I.P.C.
5. Rape U-S 376 I.P.C.
6. Grievous hurt U-S 325-331 & 333 I.P.C.
7. Thagi as defined in Section 310 I.P.C.
8. Theft as defined in Section 382 I.P.C.

### SCHEDULE B

*Sections of Indian Penal Code.*

*Sections.*

125. Sedition.

124-A. Waging war against any A little Power in alliance with the King.

- 126. Committing depredation on the territories of any power at peace with the King.
- 127. Receiving property taken by war or depredation mentioned in Sections 125 and 126.
- 128. Public servant voluntarily allowing prisoner of State or war in his custody to escape.
- 129. Public servant negligently suffering prisoner of State or war in his custody to escape.
- 130. Aiding escape or rescuing or harbouring such prisoner.
- 224. Resistance or obstruction by person to his Lawful apprehension of another person, or rescuing him from Lawful custody.

NOTE:—For the purpose of section 124-A., the King shall be held to include also the Ruler or recognised Government of State concerned.

- 230-263. All offences relating to coin and Government Stamps as described in the Indian Penal Code.
- 299-304. Murder:—Culpable homicide. Murder by a life convict.
- 307. Attempt to murder.
- 308. Attempt to commit culpable homicide.
- 324. Voluntarily causing grievous hurt, by dangerous weapons or means.
- 325. Voluntarily causing grievous hurt.
- 326. Voluntarily causing grievous hurt, by dangerous weapons or means.
- 327. Voluntarily causing grievous hurt to extort property or valuable security or to constrain to do anything

which is illegal or which may facilitate the commission of an offence.

- 328. Administering stupefying drug with intent to cause hurt, etc.
- 329. Voluntarily causing grievous hurt to extort property or valuable security or to constrain to do anything which is illegal or which may facilitate the commission of an offence.
- 330 & 331. Voluntarily causing hurt to extort confession or information or to compel restoration of property, etc.
- 332 & 333 Voluntarily causing hurt to deter public servant from his duty.
- 347. Wrongful confinement for the purpose of extorting property or constraining to an illegal act.
- 348. Wrongful confinement for the purpose of extorting confession or of compelling restoration of property.
- 361. Kidnapping from lawful guardianship.
- 362. Abduction.
- 363. Kidnapping Punishment.
- 364. Kidnapping or abducting in order to murder.
- 365. Kidnapping or abducting with intent secretly and wrongfully to detain a person.
- 366. Kidnapping or abducting a person to compel her marriage or to extort her delivment.
- 367. Kidnapping or abducting in order to subject a person to grievous insult slavery, etc.

- 368. Concealing or keeping in confinement a kidnapped person.
- 369. Kidnapping or abducting a child with intent to take property from the person of such child.
- 370. Buying or disposing of any person as slave.
- 371. Habitual dealing in slaves.
- 372. Selling or letting to hire a minor for purposes of prostitution.
- 373. Buying or obtaining possession of a minor for the same purpose.
- 375-376. Rape.
- 377. Unnatural offences.
- 378-379. Theft.
- 380. Theft in a building, tent or vessel.
- 381. Theft by a clerk or servant of property in possession of master or employer.
- 386. Extortion by putting a person on fear of death or grievous hurt.
- 387. Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.
- 388. Extortion by threat of accusation of an offence punishable with death, transportation for life, or with imprisonment for 10 years.
- 389. Putting a person in fear of accusation of an offence punishable with death, transportation for life, or with imprisonment for 10 years in order to commit extortion.
- 390. Robbery.
- 391-392. Dacoity.
- 393. Attempt to commit Robbery.



- 394. Person voluntarily causing hurt in committing or attempting to commit robbery or any other person jointly concerned in such robbery.
- 395. Dacoity.
- 396. Murder in Dacoity.
- 397. Robbery or dacoity with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399. Making preparation to commit dacoity.
- 400. Belonging to a gang of persons associated for the purpose of habitually committing dacoity.
- 401. Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.
- 402. Being one of five or more persons associated for the purpose of committing dacoity.
- 403. Dishonest misappropriation - of property.
- 405-406. Criminal breach of trust.
- 407. Criminal breach of trust by a carrier, wharfinger, etc.
- 408. Criminal breach of trust by a clerk or servant.
- 409. Criminal breach of trust by a public servant or by banker, merchant or agent, etc.
- 410. Stolen property.
- 411. Dishonestly receiving stolen property knowing it to be stolen.
- 312. Dishonestly receiving stolen property knowing that it was obtained by dacoity.

413. Habitually dealing in stolen property.  
 414. Assisting in concealment or disposal of stolen property knowing to be stolen.

415-420. Cheating.

435. Mischief by fire or explosive with intent to cause damage to amount of Rs. 100 or upwards or in case of agricultural produce Rs. 10 or upwards.

436. Mischief by fire or explosive substance with intent to destroy a house, etc.

437. Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.

438. The mischief described in the last section when committed by fire or any other explosive substance.

440. Mischief committed after preparation made for causing death or hurt, etc.

- 449-450 House trespass in order to the commission of an offence punishable with death or transportation for life.

454. Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment.

464-465. Forgery.

466. Forgery of a record of a Court of Justice or of a register of births etc. kept by a public servant.

467. Forgery of a valuable security or to receive any money, etc.

468. Forgery for the purpose of cheating.

471. Using as genuine a forged document which is known to be forged.

472. Making or counterfeiting a seal, plate, etc. with intent to commit a forgery punishable U-S 467 I.P.C. or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit.
473. Making or counterfeiting a seal, plate, etc. with intent to commit a forgery punishable otherwise than U-S 467 I.P.C. or possessing with like intent any such seal, plate, etc., knowing same to be counterfeit.
474. Having possession of a document knowing to be forged with intent to issue it as genuine if the document is one of the description mentioned in Sec. 466 of I.P.C. as also Sec. 467 I.P.C.
475. Counterfeiting a device or mark used for authenticating document described in Section 467 I.P.C. or possessing counterfeit marked material.
476. Counterfeiting a device or mark used for authenticating documents other than those described in Section 467 I.P.C. or possessing counterfeit marked material.
477. Fraudulently destroying or defacing or attempting to destroy or deface or secreting a will, etc.
- 477A. Falsification of accounts.
498. Enticing or taking away or detaining with criminal intent a married woman.
500. Defamation.

Offences relating to local Laws:-

1. Slaughter of cow.
2. Desertion from the State Army.
3. The abetment of all offences mentioned above.

## *Extradition Rules Between Marwar and Dholpur States.*

1. Any person who commits an offence named as extraditable in the Schedule hereto annexed in one State and escapes into the other shall be apprehended by the police of the latter State on the receipt of a requisition from a Magistrate or a police officer of the former State not below the rank of Sergeant or Inspector.

2. When such requisitions are sent by telegram a copy of the telegram shall be despatched immediately to the authority to whom the requisition for arrest has been made.

3. The accused shall be kept in custody unless the offence is a bailable one according to the laws of the State making the arrest in which case he may be released on bail.

4. The accused shall be surrendered to the requisitioning State on receipt of sufficient *prima facie* evidence of guilt such *prima facie* evidence shall be furnished by the requisitioning State as soon as possible after the arrest of the accused.

5. If the *prima facie* evidence referred to in Section 4 has not been received by the State from which the surrender of the accused is sought, within two months from the date of the arrest and no satisfactory explanation of the delay has been furnished, the accused may be released.

6. The offences which shall be recognised as ordinarily justifying demand for surrender are enumerated in the Schedule hereto annexed.

7. If any property relating to the offence for the commission of which the extradition of an accused person is sought is alleged to be in the territory of the State in which the offender has taken refuge, an officer not below the rank of Inspector or Sergeant of the Police Force of the State

demanding extradition may apply to the Police of the former State for a search. Such property, if found by search or otherwise, shall be surrendered to the Police of the State making the requisition at the time the accused person is surrendered or as soon afterwards as possible.

8. The trial of the person extradited shall be completed as soon as possible.

Complaints of delay or of irregularity in procedure in connection with the trial which cannot be mutually settled shall be referred through the proper channel by the surrendering State to the officer in political relations with the State in which the trial is being held.

9. The State granting the extradition of an accused person may depute an official to attend the trial.

10. When witnesses residing in one State are required by a court or the police of another State to give evidence in a criminal case they should be sent at once. If there is reason to believe that any witness whose evidence is considered essential to the case is evading a summons to appear before such court, the court concerned may if necessary, move through the proper channel the State to which the witness belongs to issue a warrant for his arrest and to arrange for his attendance at the court concerned.

11. The travelling and diet expenses of witnesses will be paid by the State summoning them.

12. As soon as possible, after trial, a copy of judgment should be given to the prisoner, if re-

quired, and intimation of the result of the trial should at once be conveyed to the State in which the arrest was made. Also a copy of the judgment may be supplied to the State, if required.

13. All expenses incurred in the feeding and detention of fugitive offenders as well as the transit charge of accused persons and property relating to the offence with which they are charged will be paid by the State making the arrest, and no amount will be debited to the State demanding extradition.

14. Nothing provided in these rules shall affect a question of the surrender of a Sardar, Jagirdar or official of either State, if however the State in which an extraditable offence has been committed by a Sardar, Jagirdar or Official of the other State, desires that the offender shall be brought to trial, *prima facie* evidence should be sent to the latter State, which, if it considers that such evidence is sufficient, will arrange for the trial.

15. When any disagreement arises regarding any point connected with the demand for the surrender of an offender, a reference should immediately be made to the officer in political relations with the State from which extradition is being demanded whose decision will be final.

16. These rules will come into force from the 1st October 1923. (Vide letter no. 2550 dated 17th September 1923 of the Resident, Western Rajputana States to the Political Agent, E. R. S. Bharatpur.

## SCHEDULE,

Short title,	Section under I, P, C.
Sedition .. .. .	124-A,
Abetting mutiny .. .. .	131
Rioting .. .. .	133
Promoting enmity between classes ..	153-A,
Bribery .. .. .	161
Harbouring offenders .. .. .	212,216,216-A,
Resisting lawful arrest .. .. .	224-225
Offences relating to coins and stamps	230 to 263-A,
Murder & culpable homicide .. .. .	202 to 304-A,
Attempts to murder and culpable homicide,	307,308
Thaggi .. .. .	311
Grievous hurt .. .. .	321 to 333
Kidnapping .. .. .	363 to 373
Rape and unnatural offences .. .. .	367,377
Theft, robbery, extortion dacoity ..	379 to 420
Dishonest misappropriation .. .. .	304,404
Criminal breach of trust .. .. .	405 to 409
Receiving of stolen property .. .. .	410 to 414
Cheating .. .. .	415 to 420
Mischief for causing death or hurt ..	440
House trespass .. .. .	442 to 460
Forgery, etc, .. .. .	465 to 477-A,
Counterfeiting notes and the abetment of the offences enumerated above. .. .. .	489-A, to 489-D,
Offences relating to Local Law :—	

1. Slaughter of Cows.
2. Desertion from the State Army.

From Major G. H. Anderson, I.A.,  
Political Agent,  
Eastern Rajputana States.

To The Judicial Secretary,  
Dholpur.

*Dated, Bharatpur Agency, the 4th Sept. 1916.*

Sir,

In continuation of this office letter No. 2589-91, dated the 30th May 1916, I have the honour to inform you that the Baroda Durbar are prepared to extradite, on terms of reciprocity, to the Dholpur State for the offences enumerated in schedule 1 of the Indian Extradition Act XV of 1903.

2. I have the honour to enquire whether the Dholpur Durbar have no objection to the proposal.

I have the honour to be

Sir,

Your most obedient servant,

Sd. G. H. Anderson

Major.

Political Agent.

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The Dholpur Darbar have no objection.  
There will not be many cases for extradition.

(Sd.) UDAI BHAN SINGH.

Maharaj Rana.

No. 1889-120-J-10-11-H 135 of 1916

From Dated, Dholpur the Sept.  
The Judicial Secretary  
Dholpur State,

Dholpur.

To

The Political Agent,

Eastern States Rajputana

Sir,

With reference to your letter No. 4280-4282



dated the 4th September 1916, I have the honour to inform you that the Dholpur Darbar have no objection to the proposal for the extradition of offenders between Baroda and Dholpur Darbars on terms of reciprocity for the offences enumerated in Schedules I of the Indian extradition Act XV of 1903. There will not be many cases for extradition.

I have the honour to be  
Sir,  
Your most obedient servant,  
Sd. Aziz Uddin Ahmed.  
Judicial Secretary.

*Extradition Rules between the States of Dholpur and Nabha*

*This extradition Agreement will be valid only during the minority of His Highness Maharaja Pratap Sing Malvendra Bahadur, and shall come into force from the 1st of April 1934.*

1. *Arrest* :—Perpetrators of offences named in schedule A annexed hereunto, when pursued from one State to another immediately after the commission of an offence and registered criminals (vide Section 15) may be arrested by the pursuing party without the intervention of the local police of the State into which they have fled provided at the time of the arrest the assistance of the local police cannot be obtained without risking the escape of the accused.

2. In all other cases where dacoits or criminals escape from one State to another, arrests should be made through the local police who are bound to give immediate attention to requisitions for assistance in arresting or searching for accused persons.

3. Immediately after arrest whether under Section 1 or 2 the offenders should be made over to the local police of the State in which they are arrested and the local official in command

bound to receive them and give receipt for them.

4. No house should be searched except through the local police and any stolen property found after the search should be made over to the local police who will give receipt for it.

5. No arrest should be made under Section 2 in *non-cognizable offences* except on the strength of a warrant previously obtained from a competent Magistrate of the *purgana* in which the offence was committed or from his superior authorising the arrest.

6. Persons making arrests under Section 1 and officers issuing warrants under Section 5 shall not make arrests and issue warrants respectively without having sufficient cause to justify their action, and shall be held responsible for what they do.

7. *Extradition* :—When criminals are pursued and caught red-handed or when there is no doubt regarding the criminality of the persons accused extradition should be mutually granted without delay or superfluous formalities. In other cases on receipt from the State in which the offence was committed of sufficient *prima facie* evidence of the guilt of the persons arrested they should be made over to that State direct without intervention of the Agency.

8. The *prima facie* evidence referred to in Section 7 should be furnished as soon as possible after arrest and should not be delayed more than two months except under special circumstances, which should be explained to the State in which the accused have been arrested and if necessary, reported to the Political Agent.

9. If sufficient *prima facie* evidence referred to in Sections 7 and 8 is not furnished within two months after the date of the arrest of the offenders and the State in which the arrest

took place is not satisfied with the explanation of the cause of delay, the said State shall report the facts to the Political Agent's sanction and shall release the accused.

10. The offences which shall be recognised as ordinarily justifying a demand for surrender are named in the accompanying schedule B.

11. The trial should be completed as soon as possible. Complaints of delay or of irregularities in procedure or representations of any matter connected with the trial which cannot be mutually settled or when any dispute arises regarding any point connected with extradition, a reference should immediately be made by the State which is dissatisfied to its Political Officer whose decision shall be final and binding on the two States.

12. When witnesses residing in one State are required by another State to give evidence in a criminal case they should be sent at once.

13. Immediately after trial, the prisoner may be told that it is his right to get a copy of the judgment and to grant him if he applies for it, and intimation of the result of the trial should be at once conveyed to the State.

Each of the two Darbars would be competent to ask for any information with regard to any particular accused person surrendered by them to the other which will be supplied without any objection.

15. Persons who have committed offences named in schedules A and B, and whose arrest is required should be registered as soon as sufficient *prima facie* evidence of their guilt has been obtained and a copy of this register should be circulated to all the States where there is any likelihood of the accused taking refuge.

16. The expenses of the cost of capture and transport of criminals shall be borne by the State from which the criminals are extradited.

## SCHEDULE A.

1. Dacoity.
2. Robbery.
3. Cattle lifting and theft with house-breaking.
4. Murder.
5. Culpable homicide.
6. Rape.
7. Grievous hurt.

## SCHEDULE B.

*Sections of Indian Penal Code.*

206, 208, 212, 216, 224, 225, 230, 231 to 263, 263A, 299, 300, 301, 302, 303, 304, 307, 308, 310, 311, 312, 313, 314, 315, 316, 317, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 347, 348, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 443, 444, 445, 446, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 477A,

Signed and Sealed by the  
President Council of Re-  
gency, Nabha State, for  
and on behalf of the Na-  
bha Durbar, this 28th  
day of February 1934.

*Seal of Nabha State.*

Signed and sealed by the  
Political Secretary, Dhol-  
pur State for and on be-  
half of the Dholpur Dar-  
bar this 29th day of  
March 1934.

Sd. Gyan Nath' Rai  
Bahadur, Diwan, C.I.E.  
President, Council of  
Regency, Nabha State.

Sd. A. N. Thorpe.  
Political Secretary,  
Dholpur Stte.  
*Seal of Ijlas-Khas,  
Dholpur State.*

Copy of letter No. 2515 dated the 6th August 1885 from the Political Agent, Eastern Rajasthan States, forwarded to the Political Secretary, Dholpur.

With reference to your letter No. 8450-810-F-84-85, dated the 10th July 1935, I have the honour to forward herewith a copy of the Extradition Rules introduced between the Alwar and Bharatpur States, which were adopted in 1883 by the Bharatpur and Dholpur Darbars for the mutual arrest and surrender of criminals between the two States. These rules were also introduced between the Dholpur and Karauli States, but the arrangement was revised in 1915, when the Dholpur and Karauli Darbars mutually agreed to adopt Henry Wylie Inter-state Rules for the reciprocal arrest and surrender of criminals between the two States. vide correspondence ending with letter No. 1113-108-F-13-14, dated the 10th, 17th September 1915, from the Judicial Secretary, Dholpur.

I regret that no spare signed and signed copies are available for this State.

No. 8112-108-F-34 dated the 10th July 1935.

Copy of letter No. 8450-810-F-84-85 dated the 10th July 1935 from the Political Agent, Eastern Rajasthan States, forwarded to the Political Secretary, Dholpur.

Yours faithfully,

Political Agent, Eastern Rajasthan States.

Political Secretary, Dholpur.

Rules to be issued by the Bharatpur Darbar to its officials on the Bharatpur Alwar Border, regarding the capture and surrender of criminals.

1. When any resident of Bharatpur commits a crime specified in the schedule attached to these rules and is arrested in Alwar territory he will be tried by the Alwar Courts.

2. When a resident of Alwar or a Bharatpur subject commits in Bharatpur territory any of the schedules offences and escapes into Alwar the Tehsildar of the District in which the offence was committed should send a requisition for his surrender to the Tehsildar of the Alwar District in which he is supposed to be concealed. If a man cannot be found the Tehsildar may send a person to point him out. Further the Tehsildar should at once comply without expense or waiting for any proof of guilt with any such requisition received from an Alwar Tehsildar for the surrender of a resident of Bharatpur or an Alwar subject supposed to be concealed in his District, and he should give every assistance to any person sent by the Alwar officials to point out the offender.

3. When the hiding place in Bharatpur Territory of a resident of Bharatpur or an Alwar subject, either of whom is charged with the commission in Alwar of any of the schedules offences, has been ascertained, an application by the Alwar authorities for his arrest should be at once complied with; if the Alwar Tehsildar or Thanadar accompanied by not more than four followers desires to make the arrest himself it will be the duty of the Tehsildar or Thanadar to go with and assist him, but he will retain custody of the offender pending the receipt of a formal requisition to the Darbar for his surrender. This procedure shall be followed in cases of stolen property *i.e.* the search and recovery may be effected as above, but

the property will not be made over without a formal requisition. After the arrest of a criminal or the recovery of stolen property the Thanadar or Tehsildar in whose jurisdiction either has been effected when receiving over charge of the criminal or property should furnish a receipt to the delivering officer and in the case of property the receipt to be a detailed one.

4. Copies of decisions passed by the Bharatpur officials on cases coming under the rules must be sent to the Alwar officials of corresponding status. If the decision is passed by the Adalat or Superior Court it will be communicated to the Alwar Darbar in accordance with the present custom through the Agency. No person surrendered shall be retained for more than two months. If for any reason a case effecting an Alwar subject cannot be disposed of in two months he will be released on security or if he cannot give security he will be sent back to the Alwar authorities to be dealt with as they think proper.

5. Orders of an Alwar Court regarding attendance of witnesses, etc. received by any Tehsildar through an Alwar Tehsildar should be complied with within one month from the date of the receipt of the order. Witnesses sent by an Alwar Tehsildar are to be permitted to depart as soon as their evidence has been taken, and care is to be taken that they are not unnecessarily detained.

6. When Alwar Officials bring a track into Bharatpur territory and desire that the place where it terminates should be searched, the Bharatpur Officials must comply with their request and search the place. In the event of stolen property being found compensation for the whole or a part of it will be given from the place where the tracks ended. Any disputes regarding the finding of property will be settled by the

Court within whose jurisdiction the offence was committed.

7. The Tehsildars must arrange that no Meenas enter Alwar territory without a pass. If an Alwar Meena is arrested in Bharatpur without a ticket the Tehsildar will forward him with a written paper to the Alwar Tehsildar of the place where he lives. If a Bharatpur Meena arrested without a ticket is forwarded by the Alwar authorities and the Tehsildar considers him a bad character he will have him punished, but if he is a Meena of the cultivating class and has merely gone to Alwar without a pass through ignorance of the rules, a warning will be sufficient for the first offence.

8. If any Tehsildar or Thanadar is negligent or evades his duty in sending criminals applied for by the Alwar authorities serious notice will be taken of his conduct.

9. If by chance any criminal escapes or is in hiding the Tehsildar of the district must use every effort to effect his capture.

10. The Tehsildar must take recognizances in a sum of Rs. 200 from the villages on the border, to the effect that if they enter into any dispute or fight with the Alwar villages across the border they will forfeit to the State the amounts of their recognizances, in addition to any punishment awarded in the case.

## SCHEDULE.

*Crimes on account of which Extradition may be demanded.*

1. Murder of all kinds.
2. Dacoities.
3. Highway robbery.
4. Burglary.



5. Buying or receiving stolen property knowingly in cases of offences enumerated in the Schedule;
6. Cattle theft.
7. Theft above Rs. 25 in value
8. Thaghee.
9. Serious affray with wounding or other aggravated circumstances.
10. Serious assaults with wounding or other aggravated circumstances.
11. Arson.
12. Forgery, complete or attempted.
13. Making counterfeit coin and uttering the same
14. Rape.
15. Kine killing.
16. Kidnapping.
17. Administering intoxicating drugs with felonious intent.
18. Cutting, maiming.
19. Aiding and abetting Suttee.
20. Aiding and abetting in suicide.
21. Sedition.
22. Escape from Jail or lawful custody.
23. Traffic in slaves.
24. Criminal misappropriation by a servant except in so far as regards offences by Lumbardars or Zamindars connected with their position as payees of revenue or village revenue collectors.

*Copy of a letter No. 2120-352-11 dated the 23rd June 1904 from the First Assistant Agent to the Governor-General, Rajputana, Alor, to the Political Agent, Eastern States Rajputana.*

I am directed to acknowledge the receipt of your letter number No. 103 C dated the 12th June

1904, regarding the proposed introduction of the system of sending *prima facie* evidence with requisitions for surrender of criminals between the States of Bharatpur, Karauli, and Dholpur.

2. As the proposal does not commend itself to the Karauli Darbar, the Hon'ble the Agent to the Governor-General does not desire to press the matter further so far as that State is concerned.

3. The Bharatpur and Dholpur Darbars are however, willing to adopt the system, and I am accordingly to say that it may be introduced at once as between the Bharatpur and Dholpur States.

*Copy of the endorsement No. 3240 dated the 5th July 1904 from the Political Agent, Eastern Rajputana States, Bharatpur.*

*Copy forwarded to the Superintendent of Dholpur, for information and guidance, in continuation of this office endorsement No. 1370 dated 9th March 1904.*

*Copy of a letter No. 5783-85 dated 14th September 1925, from the Political Agent, Eastern Rajputana States, Bharatpur, to the Judicial Secretary, Dholpur State, Dholpur.*

I have the honour to state that the Bharatpur Darbar wish to enter into reciprocal arrangements with the Dholpur Darbar whereby information of cases of dacoity or poisoning for plunder that occur in either State shall be immediately communicated to the other. It is hardly necessary to lay stress on the benefits that are likely to result from such co-operation in the way of facilitating preventive action and furthering the suppression of organised crime. I would request to be informed whether the Darbars are prepared to reciprocate in the matter.

*Copy of a letter No. 12 dated 3-10-25, from the Judicial Secretary, Dholpur, to the Political Agent, E.R.S., Bharatpur.*

With reference to your letter No. 5783-85 dated the 14th September 1925, stating that the Bharatpur Darbar wish to enter into reciprocal arrangements with the Dholpur Darbar whereby information of cases of dacoity or poisoning for plunder that occur in either State shall be immediately communicated to the other, I am directed to say that His Highness has no objection to reciprocate.

*Roman copy of a vernacular letter dated 10th August, 1933 from Dewan Sahib of Karauli to the Judicial Secretary, Dholpur.*

Az Mahkma Khas Raj Karauli ba Ijlas Dewan Sahib Bahadur Darbara vasuli jurmana zaria Raj Karauli.

Andrin bara robkar Judicial Secretary Sahib Bahadur Rayasat Dholpur Markumah 23 June 1933 ba Havalah tehrir Police Dholpur ke Mulzeman Zal se zara jurmana vasul farmahker bhijva dia jave....

Report Mahkmah Chief Court bad dayaft az Adalat ve liye jane report mahafiz daftar (badin khulasa ke kavayad baham rayasat Dholpur ve Karauli babat dad sated asamian manzoor huya he usmen vasuli jurmane ke babat koie muahada nahien he. Sun 1924 me Rayasat Bharatpur se bhi aise vasuli jurmana ke babat kagzat chab the us per yahi javab diya gaya. Us per Rayasat Bharatpur ne mahkma Khas Raj Karauli se manzoori lay ker baham Bharatpur ve Karauli vasuli jurmana ke babat muahada manzoor ho chuka he mager Rayasat Dholpur se abhi vasuli jurmane ke babat koie muahada manzoor nahi huya he. Vasul huye. Chunki hamisal Rayasat Bharatpur se a

Rayasat Dholpur bhi muahda vasuli jurmana manzoor kerle to aise jurmana vasul kerai ja sekta hain layken abhitak koie aise muahda nahi he isliye karrawai vasuli se majboori he pas hukum hua ke robkar haza javaban khidmat men Judicial Secretary Sahib Bahadur Rayasat Dholpur mursil howe.

Sd. Shanker Nath Sharma.

Agreement with Karauli may be made.

Sd. Udai Bhan Singh.

Dated 24th August 1933. Maharaj Rana.

*Copy of letter No. 447-C.D. dated the 3rd May 1927 from the Inspector-General of Railway Police and Police Assistant to the Hon'ble the Agent to the Governor-General in Rajputana, Mount Abu to the Political Agent, Eastern Rajputana States, Bharatpur.*

*Subject :—Extracts from jail returns of members of Criminal Tribes.*

I am directed to inform you that the Assistant to the Hon'ble the Agent to the Governor-General in Central India, Criminal Branch, Indore, has proposed that in future information regarding the members of Criminal Tribes belonging to the States in Central India, who are confined in State jails in Rajputana with whom you are in political relations may be exchanged between the States concerned direct.

2. As this proposal is calculated to avoid unnecessary correspondence and delay, I would ask that you will kindly arrange with the Darbars that the matter should be dealt with in the manner proposed.

3. A list showing the designations of the State Officers in Central India who should be addressed direct is enclosed for the information of the States in political relations with you.

No. 1787-297-27. Dated Bharatpur the 10th May, 1927.

*Copy, with copy of enclosure, forwarded to the Foreign and Political Secretary, Bharatpur, Foreign Secretary, Alwar, Judicial Secretary, Dholpur, Chief Member of Council, Karauli, Member, Mahakma Khas, Kotah, for information and favour of necessary action.*

Lt.-Colonel,

Political Agent, Eastern Rajputana States.

Statement showing the designations of the officers of the Central India States to whom correspondence should be addressed by the States in Rajputana in matters pertaining to the extracts from the jail returns of Criminal Tribes regarding convictions of the members of Criminal Tribes resident in the Central India States.

Name of State.	Designation of State Officer
Indore.	Inspector-General of Police, Indore State, Indore.
Dhar State.	Superintendent of Police, Dhar State, Dhar.
Dewas State. (Senior Branch.)	Superintendent of Police, Senior Branch, Dewas.
Dewas State. (Junior Branch.)	Judicial Assistant to the Dhar, Dewas Junior Branch.
Jaora State.	Superintendent of Police, Jaora.
Rutlam State.	The Judge, Rutlam State, Rutlam.
Sitmau State.	Deewan of Sitmau State, Sitmau.
Sailana State.	Superintendent of Police, Sailana State, Sailana.
Piploda State.	Lt. Col. Muz. Maj. Piploda.

Name of State	Designation of State Officer.
Panth, Piploda State.	Manager of Panth, Piploda State, Kharava via Mahidpur Road.
Rajgarh.	Dewan, Rajgarh State, Rajgarh.
Narsingarh.	The Muntzim of Police, Narsingarh State, Narsingarh, C. I.
Khilchipur.	Dewan, Khilchipur State, Khilchipur, C.I.
Kurwai.	Dewan, Kurwai State, Kurwai, via Bamora, G.I.P. Rly.
Pathari.	The Judicial Officer, Pathari State, Pathari, C.I.
Rewa State.	Inspector-General of Police, Rewa State, Rewa.
Baraundha State.	Dewan. of Baraundha State, Baraundha, C. I. Post Office Majhgawan,
Nagod State.	The Dewan of Nagod State, Nagod, C.I.
Mahar State.	The Dewan of Maihar State, Maihar, C. I.
Kothi State.	The Dewan of Kothi State, Kothi, (Post Office Jaitawara).
Orchha State.	Madarul Maham of Orchha State, Tikamgarh.
Datia State.	Dewan of Datia State, C. I.
Samthar State.	Dewan of Samthar State, Samthar, via Moth, G. I. P, Rly.
Panna State.	Dewan, Panna State, Panna, C. I.
Bijawar State.	Dewan of Bijawar State, Bijawar, C. I.
Charkhari State.	Inspector-General of Police, Charkhari State, Charkhari.
Ajaigarh State.	The Nazim of Ajaigarh State, Ajaigarh,,
Baoni State.	The Chief Secretary, Baoni State, Baoni
Chhatarpur State.	The Dewan, Chhatarpur State, Chhatarpur.
Sarila State.	The Chief Secretary, Sarila State, Sarila.
Gwalior State.	The Criminal Tribes Officer, Gwalior State, Head Quarters Mungaoli, via Bina, G. I. P. Rly.

*Copy of letter No. 668-C.D. dated the 20th June 1927 from the Inspector-General of Railway Police and the Police Assistant to the Hon'ble the Agent to the Governor-General in Rajputana to the Political Agent, Eastern Rajputana States.*

*Subject:—Extracts from Jail returns of members of Criminal Tribes confined in the State Jails in Rajputana.*

In continuation of this office letter No. 447-C.D. dated the 3rd May 1927 on the above subject, I have the honour to request that the name of the Bhopal State may be included in the statement which formed an enclosure to the letter under reference as also the designation of the Inspector-General of Police of that State to whom correspondence should be addressed in future regarding convicted members of the Criminal Tribes belonging to that State.

No. 2498-297-27      *Dated, Bharatpur, the 27th June 1927.*

*Copy forwarded to the Dewan, Bharatpur State, Bharatpur, Foreign Secretary, Alwar, Judicial Secretary, Dholpur, Chief Member of the Council, Karauli, Member, Mahakma Khas Kotah, for information and favour of necessary action in continuation of this office endorsement No. 1787-297-27 dated the 10th May, 1927.*

H. C.,

for Political Agent, Eastern Rajputana States.

